AGENDA

CITY COUNCIL - SPECIAL MEETING
CITY OF BANNING, CALIFORNIA

February 26, 2026
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the special 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.

This meeting is being held via Zoom so that members of the public may observe and participate in this meeting electronically. If you participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda). *Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la agenda).*

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Dial in: +1 669 900 9128

Meeting ID: 830 8075 5377
Password: 645430

Per the City of Banning Manual of Procedural Guidelines, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a majority 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 **PLEDGE OF ALLEGIANCE**

1.2 **ROLL CALL**

2. CITY ATTORNEY'S REPORT

3. PUBLIC HEARINGS

3.1 **Consideration of Applications By NP Banning Industrial, LLC for the Sunset Crossroads Project, including (1) a Specific Plan (Case No. SP 20-2002) to Allow for**

the Development of Industrial and Commercial Uses on 533.8-acres of Land Located South of I- 10 and the Union Pacific Railroad, and West of Sunset Avenue (Specific Plan Area); (2) a General Plan Amendment (Case No. GPA 20 -2501) and Zone Change (Case No. ZC 20-3502) to Amend the General Plan Land Use and Zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Opens Space- Parks (OS-P), and Open Space-Resources (OS- R), including Pre-zoning for Annexation of Portions of the Specific Plan Area into the City of Banning's Jurisdictional Boundary; (3) a Development Agreement to Establish Vested Development Rights in Exchange for Public Benefits as Specified in the Agreement; (4) a Tentative Parcel Map (Case No. TPM 38118) for a Subdivision of the Specific Plan Area into Thirty -four Parcels and Five Lettered Lots Ranging in Size from One Acre to Seventy - eight Acres Consistent with the Nineteen Planning Areas in the Specific Plan; and (5) a Final Environmental Impact Report (Sch No. 2021020011) Including Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act.

Recommendation:

Deny the Project Applications as Recommended by the Planning Commission by Adopting:

- Resolution No. 2026-26 Rejecting the Certification of an Environmental Impact Report (EIR), SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and
- Resolution No. 2026-27Denying Applications by NP Banning Industrial LLC for the Sunset Crossroads Project, Including General Plan Amendment (No. 20- 2501), Zone Change (No. 20-3502), Specific Plan (No. 20-2002), Tentative Parcel Map (TPM 38118) and a Development Agreement, for the Development of Industrial and Commercial Uses on a 533.8-acre Project Site Located South of I-10/Union Pacific Railroad and West of Sunset Avenue

Alternatively, Approve the Project Applications as recommended by Staff by Adopting:

- Resolution No. 2026-28 Certifying the Environmental Impact Report (EIR), SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and
- Resolution No. 2026-29 Approving General Plan Amendment (No. 20-2501); and
- Resolution No. 2026-30 Approving Annexation of 253.7 Acres into the City of Banning; and
- Resolution No. 2026-31 Approving the Tentative Parcel Map (TPM 38118); and
- Introducing by Title Only the Following Ordinances:
  - Ordinance No. 1618, Approving Zone Change (No. 20-3502)
  - Ordinance No. 1619, Approving Specific Plan (No. 20-2002), and
  - Ordinance No. 1620, Approving a Development Agreement between NP Banning Industrial LLC and the City of Banning

3.2 **Consideration of an Application by the City of Banning, CA for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22 -3502) to Amend the Land Use Designation and Zoning of Approximately 41 acres of Land Owned by Mount San Jacinto Community College District Located Near the Southeast Corner of Westward and Sunset Avenues from PF–S (Public Facilities-Schools) to Very High Density Residential (VHDR) to Transfer Density of Not Less Than 1,146 Residential Units from the Sunset Crossroads Specific Plan.**

Recommendation: 1. Adopt Resolution No. 2026-33, approving General Plan Amendment No. 22-2502

2. Adopt Ordinance No. 1619, approving Zone Change No. 22-3502

4. ADJOURNMENT

Zoom Community Standards for Public Meetings

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- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
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- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
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- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
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- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
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- La función de chat estará deshabilitada para todas las Reuniones del Ayuntamiento en Zoom.

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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.

Vickie Sellers, Elected City Clerk
Secretaria Municipal Electa

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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: **Art Vela, Interim City Manager**

PREPARED BY: **Mark Staples, Planning Manager**

MEETING DATE: **February 26, 2026**

SUBJECT: **Consideration of Applications By NP Banning Industrial, LLC for the Sunset Crossroads Project, including (1) a Specific Plan (Case No. SP 20-2002) to Allow for the Development of Industrial and Commercial Uses on 533.8-acres of Land Located South of I-10 and the Union Pacific Railroad, and West of Sunset Avenue (Specific Plan Area); (2) a General Plan Amendment (Case No. GPA 20 -2501) and Zone Change (Case No. ZC 20-3502) to Amend the General Plan Land Use and Zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Opens Space- Parks (OS-P), and Open Space-Resources (OS- R), including Pre-zoning for Annexation of Portions of the Specific Plan Area into the City of Banning's Jurisdictional Boundary; (3) a Development Agreement to Establish Vested Development Rights in Exchange for Public Benefits as Specified in the Agreement; (4) a Tentative Parcel Map (Case No. TPM 38118) for a Subdivision of the Specific Plan Area into Thirty-four Parcels and Five Lettered Lots Ranging in Size from One Acre to Seventy -eight Acres Consistent with the Nineteen Planning Areas in the Specific Plan; and (5) a Final Environmental Impact Report (Sch No. 2021020011) Including Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act.**

RECOMMENDATION:

Deny the Project Applications as Recommended by the Planning Commission by Adopting:

- Resolution No. 2026-26 Rejecting the Certification of an Environmental Impact Report (EIR), SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and
- Resolution No. 2026-27Denying Applications by NP Banning Industrial LLC for the Sunset Crossroads Project, Including General Plan Amendment (No. 20-2501), Zone Change (No. 20-3502), Specific Plan (No. 20-2002), Tentative Parcel Map (TPM 38118) and a Development Agreement, for the Development of Industrial and Commercial Uses on a 533.8-acre Project Site Located South of I-10/Union Pacific Railroad and West of Sunset Avenue

Alternatively, Approve the Project Applications as recommended by Staff by Adopting:

- Resolution No. 2026-28 Certifying the Environmental Impact Report (EIR), SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

- Resolution No. 2026-29 Approving General Plan Amendment (No. 20-2501); and
- Resolution No. 2026-30 Approving Annexation of 253.7 Acres into the City of Banning; and
- Resolution No. 2026-31 Approving the Tentative Parcel Map (TPM 38118); and
- Introducing by Title Only the Following Ordinances:
    - Ordinance No. 1618, Approving Zone Change (No. 20-3502)
    - Ordinance No. 1619, Approving Specific Plan (No. 20-2002), and
    - Ordinance No. 1620, Approving a Development Agreement between NP Banning Industrial LLC and the City of Banning

BACKGROUND:

PROJECT APPLICANT:

NP Banning Industrial, LLC

12977 N. Outer 40 Road, Suite 203
St. Louis, MO 63141

JANUARY 28, 2006, SPECIAL CITY COUNCIL MEETING:

At the January 28, 2026, City Council meeting, a public hearing was opened and closed for this project, comments from the public were received, and the Council asked questions of the project applicant. Council Member Flynn motioned to continue the item to the next meeting, with Council Member Barrington seconding the motion. North Point in their effort to address questions and concerns raised in the January 28 meeting, particularly potential local impacts to traffic congestion include:

- Reducing the total Industrial square footage from 5,545,000sf down to 4,749,000 sf, by removing the two western most warehouse buildings should reduce visual and traffic impacts. (Covenant 3.14 of Development Agreement)
- An updated traffic memorandum (trip generation assessment, dated February 18, 2026) is provided as an attachment
- Payment of an additional $1,000,000 towards the purchase of a ladder truck, along with the $15,000,000 payment towards the construction of a new fire station (Recital 22 of Development Agreement)
- Retail Development Obligations of constructing a 100,000 sf commercial building, clarified schedule and fees for not completing the project within 36 months of annexation date (Covenant 3.11 of Development Agreement)
- Updated Public Benefit, Public Improvements, and Development Impact Fees (Section 5 of Covenants, Development Agreement)
- Animal Shelter Grant of $500,000 (Covenant 5.10.8 of Development Agreement

BACKGROUND:

Project Summary:

This is a request to establish allowable uses and a development plan for 533-acres of land within and adjacent to the City of Banning through the establishment of the Sunset Crossroads Specific Plan (“Specific Plan”) and related entitlements. The Specific Plan provides the regulatory framework for development of up to 268,400 square feet of medical office, professional office, education, recreation, and commercial uses, a travel center with refueling uses, plus a 125-room hotel (approximately 90,000 square feet) on 47.9-acres; up to 5,545,000 square feet of industrial uses (including up to 330,000 square feet of cold storage uses) on 392- acres; and approximately 65 acres of open spaces, including a 12.6 -acre park amenity. Table 2-1 in the Specific Plan summarizes the proposed planning areas, and their land use designation, overall acreage and maximum building square footage for the Project. The location of the planning areas is shown in the Land Use Plan, Figure 2-1, of the Specific Plan. The Specific Plan further identifies the permitted land uses, development standards, design guidelines, and

implementation provisions and is further described later in this report.

The applications that have been filed in conjunction with this project and the scope of the Planning Commission's review are the following:

Specific Plan application, Case SP 20-2002, to establish the Sunset Crossroads Specific Plan for the development of industrial and commercial uses on a 533.8-acre site, 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 (approximately 90,000 sf) on 47.9-acres; and up to 5,545,000 square feet of industrial uses (including up to 330,000 square feet of cold storage uses) on 392.0 acres. The Specific Plan text identifies the permitted land uses, development standards, design guidelines, and implementation provisions. The Specific Plan Area includes land located south of Interstate 10 between Highland Home Road and Sunset Avenue extending south to include land south of the City's current border (Assessor Parcel Numbers (APNs): 537- 110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through - 036). The City Council shall review the Specific Plan application for conformance to the criteria listed in Banning Zoning Ordinance (BZO) Section 17.96.060.

General Plan Amendment and Zone Change for Specific Plan Area (GPA 20-2501 & ZC 20-3502) to amend the General Plan land use designations and re -zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R), including pre-zoning for annexation of approximately 254- acres of land of the Specific Plan Area into the City of Banning. The City Council shall review the General Plan Amendment for conformance to the criteria listed in BZO Section 17.64.070.

Development Agreement (DA) between the City and Applicant to establish terms and obligations for the development of the Project and financing, acquisition, and construction of infrastructure. The DA grants the Applicant vested rights to development the Project in and other City approvals in exchange for certain financial contributions and other considerations received by the City. The City Council shall review the Development Agreement application for conformance to the criteria listed in BZO Section 17.60.030.

Tentative Parcel Map application, Case TPM 38118, for the subdivision of the 533.8 -acre site into 34 lots for development purposes ranging in size from one acre to 78.7 acres in size and five lettered lots for common area or public purposes. The City Council shall review the Tentative Parcel Map application for conformance to the criteria listed in Section 66474 of the Subdivision Map Act and Banning Municipal Code Title 16.

Environmental Impact Report (EIR), Case EA 20-1506, (SCH No. 2021020011) for the Project to analyze its potentially significant environmental impacts, identify discuss mitigation measures for those impacts found to be significant, and discuss feasible alternatives to the Project. A Draft EIR was posted and circulated for review and comment from December 15, 2023 through January 30, 2024. The Final EIR incorporates responses to all written comments that the City received on the Draft EIR. Before approving the Project, the City must certify the Final EIR and adopt certain required findings and a Mitigation Monitoring and Reporting Program. Because the Final EIR concludes that the Project would cause certain significant and unavoidable impacts, the City must also adopt a Statement of Overriding Considerations. The City Council shall review the document and make a determination whether to certify the Final EIR.

If the above applications are approved, subsequent development applications, including Design Reviews and Conditional Use Permits as applicable, within the Sunset Crossroads Specific Plan will be required for the individual planning areas as specified in the Specific Plan.

Related Actions:

On May 8, 2025, the City Council and Planning Commission held a joint special meeting with the subject applications introduced at a public hearing; however, neither body took any action.

DESCRIPTION:

Existing Conditions:

The subject site is generally located in the southwest area of the City of Banning and the City's Sphere of Influence (SOI) and generally south of the Union Pacific Railroad and Interstate 10, east of Highland Home Road, west of Sunset Avenue, and north of Bobcat Road. The Development Site is bisected by the existing Westward Avenue right of way (Existing ROW), the centerline of which divides the land within the Project site into two approximate halves, the northern portion of the project being located with the existing corporate City limits, and the southern portion of the project area being located with unincorporated County land in the City's SOI area. The Existing ROW and adjoining 0.8 acres of land owned by the City and used for water wells are not part of the Development Site or the Development Project.

The Development Site is crossed by various natural drainages. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site. Vegetation cover on the Development Site reflects a history of dry farming and cattle grazing disturbance over a majority of the site and consists primarily of non-native grasslands, with patches of Riverside and sage scrub, mixed ornamental woodland, and sandy wash. The sandy wash habitat is associated with two deeply incised drainage courses and a tributary that flows through the Development Site. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site and Smith Creek flows in a north-south direction. Highland Wash is a smaller drainage course and tributary to Smith Creek that confluences with Smith Creek near Westward Avenue.

Specific Plan:

The vision for the Sunset Crossroads Specific Plan is to create a new commercial/industrial master plan for the benefit of the entire community. The Specific Plan was created using an integrated, multidisciplinary approach. The team assembled to undertake this project included the City, land planners, civil engineers, environmental resource specialists, historians, architects, landscape architects, geotechnical specialists, hydrology specialists, and market analysts. This team worked together to create a comprehensive development plan for the approximately 533.8 -acre site, which provides land uses that take advantage of the site's proximity to access to Interstate 10 and responds to economic trends in the City of Banning. The Specific Plan is intended to conform with the intent, goals and policies set forth by the City of Banning General Plan. Future development plans, site plans, and tentative tract and parcel maps must be consistent with both the Sunset Crossroads Specific Plan and the City of Banning General Plan. In keeping with regulatory provisions of the Specific Plan, the Project is designed to ensure that development occurs in a manner that is responsive to site characteristics and community goals and objectives. A number of the Project's objectives are listed below:

- Provide a mix of commercial and industrial uses that create new job opportunities and reduce the need for City residents to commute outside of the City of Banning for employment, thereby improving the City's jobs to housing ratio.
- Establish a mix of commercial and industrial uses that result in economic benefits to the City through increased sales taxes and other revenue which can be used to provide City services.
- Maintain the integrity of the natural environment through the preservation and conservation of open space and natural drainage courses.
- Locate businesses that rely on transportation efficiency in a location offering superior access to the local and regional transportation network.
- Identify capital improvements for potable water, reclaimed water, sewer, drainage and water quality, and circulation facilities that serve planned land uses within and adjacent to Sunset Crossroads.
- Establish a unified thematic concept for Sunset Crossroads through design elements such as architecture, monumentation, theme walls, landscaping using a long-range comprehensive planning approach that cannot be accomplished on a parcel-by-parcel basis.

- Create a development-wide landscape concept that features drought-tolerant plant materials to provide for an aesthetically pleasing outdoor environment, while minimizing the demand for water resources.

Land Use:

The Sunset Crossroads Specific Plan proposes the future orderly development of the site in four basic land use categories which include General Commercial, Industrial (including public infrastructure), and Open Space– Parks and Open Space– Resources as follows:

- General Commercial (GC). The 47.9-acre commercial district of the Development Site (Planning Area 1) is bordered on the east by Sunset Avenue and stretches along the northeast portion of the Development Site between Lincoln Street and Interstate 10. A maximum of 268,400 square feet of commercial uses, which may include leisure, retail, medical office, professional office, education, wellness, recreation, entertainment, restaurant, and other retail uses, operating out of a number of buildings aligned along an internal road that would be accessed from Sunset Avenue. This portion of the Development Project is designed as a regional commercial and entertainment attraction, providing multigenerational activity and wellness-based retail destination uses including, but not limited to, stationary wave surfing, indoor skydiving, indoor go-karting, obstacle gyms and a large indoor/outdoor climbing wall, yoga studios, dance studios, and other athletic activities. Sit-down restaurants with outdoor dining, a food court, and specialty retail uses that would orient inwards to central open space areas are proposed to allow for outdoor activities, ancillary to the on-site leisure/recreation uses or to allow on-site vendors/concessionaires to use connections along an internal network of pedestrian walkways. Table 3-1 of the Sunset Crossroads Specific Plan provides a detailed list of permitted, conditionally permitted, ancillary, and prohibited uses within the Specific Plan area. In addition, the proposed commercial uses may include a freeway accessible 125-room (approximately 90,000-square-foot) and a fueling station. Development standards for the GC district are identified in Section 3.3 of the Specific Plan and include maximum building heights of 60 feet (plus additional 10 feet for solar arrays), maximum 50% lot coverage, street setbacks for building heights over 35 feet. There is also criteria for freeway signs (80 feet maximum).
- Industrial (I). The Specific Plan provides for the development of up to 5,450,000 square feet of industrial land uses on approximately 392.0 acres within the Development Site. Based on its proximity to the Sunset Avenue interchange at I-10, the Development Project would facilitate the development of warehousing, distribution, manufacturing, and other industrial uses. To accommodate future tenants, the Specific Plan allows the size of individual buildings to vary within an established range (increasing or decreasing by up to 20 percent); however, the overall square footage of buildings in the industrial Planning Areas is not to exceed the above maximum square footage. The Development Project considered in the EIR comprises industrial buildings ranging in size from 44,000 square feet up to 1,420,000 square feet and accommodating uses such as general industrial, manufacturing, parcel hub, warehouse/storage, truck/trailer parking and storage, recreational vehicle (RV) storage, high cube warehouse, cold storage warehouse (up to 330,000 square feet proposed for Phase 2 [Buildings 5 and 6]), fulfillment center, and e-commerce operations. The industrial building sites within the Development Project may include outdoor employee break areas with tables affixed to the ground to provide employees with a location to eat, gather, and enjoy being outside. Shading of these areas may be achieved through a combination of shade trees, umbrellas, or fabricated shade structures. Other open space amenities within the industrial areas may include pedestrian walkways, seating areas, overhead structures, and open space areas. Development of the industrial Planning Areas shall be subject to the applicable Infrastructure Improvement Standards, Development Standards, and Planning Area Standards set forth in the Specific Plan. A proposed 65 MWh battery energy storage facility (BESS) would be a permitted use in any of the industrial use planning areas. Development standards for the Industrial district are identified in Section 3.4 of the Specific Plan and include maximum building heights of 60 feet (plus additional 10 feet for solar arrays), maximum 60% lot coverage, and front yard street setbacks of 25 feet among other requirements. Certain heights are

allowed in Planning Areas 2 (additional screening height above 60 feet) and 5 (up to 80 feet). There is also criteria for freeway signs (80 feet maximum).

- Open Space-Parks and Open Space-Resources. The Specific Plan identifies two open space designations. Planning Area 11 designates 12.6 acres of Open Space-Parks located at the northwest corner of Highland Home Road and the Sun Lakes Boulevard Extension, including a 5.0-acre passive public park, with the remainder of the 12.6-acre site reserved for Open Space and trails. Planning Areas 12 through 19, which combined total approximately 53 acres of the overall site, are designated Open Spece-Resources. Approximately 12.5 acres (Planning Area 12, which is located southeast of Highland Home Road and the Sun Lakes Boulevard Extension) are reserved for passive open space uses which may include trails. The remaining 41.5 acres (Planning Areas 13 through 19) contain three existing natural drainage watercourses, Smith Creek, Pershing Creek, and Highland Wash, which traverse the Specific Plan in a northwesterly to southeasterly direction. To preserve these areas, they are designated Open Space–Resource and no development or land uses are permitted, except those activities required to cross these areas with roads (Lincoln Street, Highland Home Road) and utilities.

Circulation:

As illustrated in Figure 2, Conceptual Circulation Plan, of the Sunset Crossroads Specific Plan, regional access to the Project is provided via I-10 from the Sunset Avenue interchange located approximately ¼-mile to the northeast of the Specific Plan. The site is approximately 3.5 miles east of the junction of CA-60 Freeway and Interstate 10 and approximately 22 miles east of Interstate 215. Primary local access from the north and south is provided via Sunset Avenue which forms the site's eastern boundary. Additional access is provided by Bobcat Road which forms the site's southern boundary, and from Highland Home Road, which forms the site's western boundary. In addition, consistent with the City's Circulation Element, the City is separately processing the construction of an extension of Sun Lakes Boulevard (SLB Extension) that would bisect the Development Site, which is expected to begin construction in 2026.

The Specific Plan identifies the following roadway segment improvements to be constructed as part of the project:

1. Sunset Avenue (Interstate 10 to Lincoln Street) – Arterial Highway (110' ROW) . As depicted in Figure 2-2, Conceptual Circulation Plan, the primary access point for Sunset Crossroads is Sunset Avenue, which connects the site to the regional transportation network. The segment of Sunset Avenue between Interstate 10 and the SLB Extension is designated by the General Plan as an Arterial Highway (110' ROW) and forms the project's eastern boundary. As shown in Figure 2-3 of the Specific Plan document, Conceptual Roadway Cross-Sections, the 110-foot of right of way comprising Sunset Avenue consists of 68 feet of paving, an 18-foot-wide center raised or painted median, with a 4-foot-wide landscaped parkway and 8-foot-wide parkway-adjacent sidewalk on the west side of the street, and an 8-foot-wide curb-adjacent sidewalk and 4-foot-wide landscaped parkway on the east side of the street. An eight-foot-wide Class II bike lane is provided on both sides of the paving, adjacent to the curb. As a result of the westward shift in alignment of Sunset Avenue between Lincoln Street and SLB Extension, the alignment in this location will also shift to the west from the existing centerline.
2. Sunset Avenue (Lincoln Street to SLB Extension) – Modified Secondary Highway (110' ROW) . As depicted in Figure 2-2, Conceptual Circulation Plan, the segment of Sunset Avenue between Lincoln Street and the SLB Extension is designated as a Modified Secondary Highway (110' ROW). As shown in Figure 2-3, Conceptual Roadway Cross-Sections, the 110-foot of right of way comprising Sunset Avenue consists of 68 feet of paving, an 18-foot-wide center raised or painted median, with a 4-foot-wide landscaped parkway and 8-foot-wide parkway-adjacent sidewalk on the west side of the street, and a 4-foot-wide parkway and 8-foot-wide parkway-adjacent sidewalk on the east side of the street. An eight-foot-wide Class II bike lane is provided on both sides of the paving, adjacent to the curb. To address noise impacts along Sunset Avenue, the alignment of this portion of Sunset Avenue is shifted to the west from its previously proposed location to provide

additional distance from sensitive receptors east of Sunset Avenue. More specifically, the centerline of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard would be adjusted 42 feet to the west from the existing centerline with implementation of the Development Project, new centerline being 72 feet from the nearest residential property line and 115 feet from the school at the MSJC Site. The resulting 17 feet of excess right of way to the east will be landscaped.

3. Sunset Avenue (SLB Extension to Bobcat Road) – Secondary Highway (88' ROW). As depicted on Figure 2-2, Conceptual Circulation Plan, the segment of Sunset Avenue between the SLB Extension and Bobcat Road is designated by the City General Plan as a Secondary Highway (88' ROW). As shown in Figure 2-3, Conceptual Roadway Cross-Sections, the 88-foot of right of way comprising Sunset Avenue consists of 64 feet of paving with a 4-foot-wide landscaped parkway and 8-foot-wide parkway-adjacent sidewalk provided on both sides of the street. As a result of the westward shift in alignment of Sunset Avenue between Lincoln Street and SLB Extension, the alignment in this location will also shift to the west from the existing centerline.
4. Bobcat Road – Divided Collector Street (78' ROW). As depicted on Figure 2-2, Conceptual Circulation Plan, Bobcat Road is designated as a Divided Collector Street (78' ROW) and forms the project's southern boundary along the south side of Planning Area 4. As shown in Figure 2-3, Conceptual Roadway Cross-Sections, the 78-foot of right of way comprising Bobcat Road consists of 56 feet of paving with a 6-foot-wide landscaped parkway and a 5-foot-wide parkway-adjacent sidewalk on the south side of the street, and a 6-foot-wide curb-adjacent sidewalk and 5-foot-wide landscaped parkway on the north side of the street. The Specific Plan and future applications submitted within this Specific Plan will dedicate and construct the northern halfwidth plus 10' improvements of Bobcat Road along the project frontage. To address the potential for impacts to residences on the south side of Bobcat Road from on-site Development Project operations, on-site project operations will require: (i) Cold storage equipment previously allowed on industrial building rooftops to be shielded or relocated to the ground floor; and (ii) Construction of 10-foot high "wing walls" on the south end of warehouse buildings in Planning Area 4, and 6-foot high walls that surround the automobile parking lots south of warehouse buildings in Planning Area 4 as depicted in the Specific Plan in Attachment A to the Supplemental Noise Analysis (Final EIR, Appendix I-2, Attachment A).
5. Lincoln Street – Divided Collector Street (78' ROW). As depicted on Figure 2-2, Conceptual Circulation Plan, Lincoln Street is designated as a Divided Collector Street (78' ROW) within the project, providing access to the Development Site from Sunset Avenue. As shown in Figure 2-3, Conceptual Roadway Cross-Sections, the 78 feet of right of way comprising Lincoln Street consists of 56 feet of paving with a 6-foot-wide landscaped parkway and 5-foot-wide parkway-adjacent sidewalk on the south side of the street and a 6-foot wide curb-adjacent sidewalk and 5-foot-wide landscaped parkway on the north side of the street. An eight-foot-wide Class II bike lane is provided on both sides of the paving, adjacent to the curb. The Specific Plan and future applications submitted within this Specific Plan will construct full-width improvements along the length of Lincoln Street on the Development Site. Lincoln Street will cross two existing natural drain courses via box culverts to be constructed by the project and maintained by the City. In Planning Area 7, a 24'-wide Secondary Access Connection will link Lincoln Street to Highland Home Road via a private roadway.
6. Highland Home Road (north of SLB Extension Street)– Modified Secondary Highway (66' ROW). As depicted on Figure 2-2, Conceptual Circulation Plan, the segment of Highland Home Road north of SLB Extension is designated as a Modified Secondary Highway (66' ROW) within the project. Highland Home Road forms a portion of the Specific Plan's western boundary. As shown in Figure 2-3, Conceptual Roadway Cross-Sections, Highland Home Road consists of 66 feet of right-of-way within a 110-foot dedication. The Specific Plan and future applications submitted within this Specific Plan will dedicate the full 110-foot width of Highland Home Road as from the existing eastern property boundary of the Sun Lakes community. The Specific Plan will construct the full width of Highland Home Road with a 5-footwide curb-adjacent sidewalk, a 6-foot-wide landscaped parkway, and 44 feet of paving along the western boundary of the right of way, from the SLB Extension to Planning Area 7, where it will terminate in a cul-de-sac and provide secondary access to Planning Area 7 via a 24' wide Secondary Access Connection.

7. Highland Home Road (south of SLB Extension)– Modified Collector Street (66' ROW). As depicted in Figure 2-2, Conceptual Circulation Plan, the segment of Highland Home Road south of SLB Extension is designated as a Modified Collector Street (66' ROW) within the project. Highland Home Road forms a portion of the Specific Plan's western boundary. As shown in Figure 2-3, Conceptual Roadway Cross-Sections, Highland Home Road consists of a 66-foot right of way within a 110-foot dedication. The Specific Plan and future applications submitted within this Specific Plan will dedicate the full 110-foot width of Highland Home Road from the existing eastern property boundary of the Sun Lakes community. The Specific Plan will construct the remaining half-width (33 feet) of Highland Home Road including a 5-foot Class III bikeway, a 6-foot-wide curb-adjacent sidewalk, and a 5-foot-wide landscaped parkway to complete the road section based on existing curb location adjacent to the Sun Lakes Community, from the southwest corner of PA 12 to the SLB Extension. Truck traffic shall be restricted on Highland Home Road south of the SLB Extension.

Infrastructure – Potable Water:

Potable water infrastructure would be provided using existing, planned and proposed facilities. The Specific Plan is subject to the design requirements of the City of Banning Public Works Department and the demand criteria guidelines outlined in the City's Integrated Master Plan (IMP). Existing potable water lines within Pressure Zone 2721 exist in Sunset Avenue (24") and in the future SLB Extension (18"). The proposed Potable Water Plan creates a looped system and includes locations, alignments, and sizes of facilities shown conceptually in Figure 2-4 of the Specific Plan.

Infrastructure – Recycled Water:

A recycled water system would be provided, consisting of existing, planned and proposed recycled water lines. The Specific Plan recycled water system is subject to the design requirements for the City of Banning Public Works Department and the demand criteria guidelines outlined in the City's Integrated Master Plan (IMP). A 24" recycled water line exists in Sunset Avenue from Lincoln Street to the SLB Extension and a 24" recycled water line exists within the SLB Extension easement area. Future non-potable Well R1 on Westward Avenue near the City's wastewater treatment facility will be the source for the Development Site, once completed. The well and its respective facilities are in design and under construction. The locations, alignments, and sizes of recycled water facilities are conceptually shown in Figure 2-5 of the Specific Plan.

Infrastructure – Sewer:

The sewer system would consist of existing, planned and proposed sewer lines and be subject to the design requirements for the City of Banning Public Works Department and the demand criteria guidelines outlined in the City's Integrated Master Plan (IMP). Sewer lines exist in the SLB Extension (12") and along the westside Planning Areas 13 and 14 (15"). The existing 12" sewer line in the SLB Extension flows until it reaches the SLB Extension Lift Station, where wastewater is conveyed through an existing 10" force main toward the existing manhole at the intersection of Sunset Avenue and the SLB Extension. The proposed sewer system facilities required to serve the Specific Plan are depicted in Figure 2-6, Conceptual Sewer Plan, of the Specific Plan.

Development Agreement:

California Government Code, §65864 through 65869.5, establish procedures for cities and counties to enter into development agreements; BZO Chapter 17.60 implements the requirements of state law and specifies the required content and process for review and approval of development agreements. Development agreements establish a vested right to proceed with development in conformation with the regulations in effect at the time of approval. This provides assurance to a developer that the project may proceed as originally approved, and not be affected by future changes in land uses regulations. In exchange for this assurance, the developer may agree to provide additional dedications, construction of

public improvements, or other similar public benefits.

The proposed Development Agreement is included as an attachment to this report. Some highlights that have been negotiated between the City and the Applicant are as follows:

1. Term of Agreement. The agreement has a term of thirty (30) years (Section 2.3 of Agreement).
2. Public Benefit Fee. The Applicant will pay $8,000,000 (or $1.44 per square foot of warehouse space) over installments as the industrial buildings are occupied (Section 5.2)
3. Land Dedication.
    a. Fire Station. The Applicant will reserve and dedicate 2 ½ to three acres of land for a fire station (Section 5.8.1)
    b. Water Tank Property. The Applicant will reserve and dedicate up to two acres of land for a water reservoir (Section 5.8.2).
    c. Electric Substation. The Applicant will reserve and dedicate property for City use as a substation (Section 5.8.3).
    d. Reverse Osmosis Facility. The Applicant will reserve and dedicate property for City use as a reverse osmosis facility (Section 5.8.4).
4. Facility Funding.
    a. New Fire Station. The Applicant will contribute $15,000,000 to the City for construction of the fire station within the Project boundary (Section 5.10.4).
    b. Fire Station Equipment. The Applicant will contribute $1,000,000 to the City for use to acquire fire equipment for the fire station (Section 5.10.5).
    c. Electric Substation. The Applicant will contribute a total of $10,000,000 toward the anticipated $12,500,000 total expected cost to design and construction of Electric Substation within Project boundary (Section 5.9).
5. City Grant. The Applicant will provide $750,000 to aid in downtown beautification or small business assistance for small businesses located in the City.
6. Retail Development Obligation. The Applicant is required to obtain approvals and construct a minimum of 100,000 square feet of commercial/retail within 24 months of obtaining the first certificate of occupancy for warehouse. If the Applicant misses this deadline, the Applicant is required to pay $500,000 to the City and an additional $500,000 every six months thereafter if the commercial/retail threshold is not satisfied. The Applicant is also required to construct a minimum of two, 100,000 square foot (or larger) retail/commercial buildings (Section 3.11).
7. Additional Commercial/Retail. After the joint hearing on May 8, 2025, the Applicant agrees to submit an application to the City to amend the Specific Plan, including CEQA review, to authorize retail/commercial within Planning Area 2 (Section 3.12).
8. Buffer along Bobcat Rd. After the joint hearing on May 8, 2025, the Applicant will provide a buffer of at least 50 feet between industrial buildings and Bobcat Rd, including a minimum of twenty feet of landscaped area.
9. Formation of a Community Facilities District (CFD). An annual special tax for industrial/warehouse buildings will be required in the amount of $0.20 per square foot the first year and adjusted annually (with an annual CPI escalator) for use towards City services in the CFD District.
10. Tax Sharing. The Applicant may seek tax sharing and reimbursement for some of the costs funded by the development

The above includes public benefits previously negotiated by the City and additional benefits that have been provided after the Applicant received input at the public hearing that occurred on May 8, 2025 with the Planning Commission and City Council.

JUSTIFICATION:

FINDINGS:

To approve the proposed Project applications, the City Council must first make all of the following findings in the affirmative. The basis for making such findings can be found in the attached Resolutions

and Ordinances, and the General Plan Consistency Analysis contained in the Final EIR. An analysis of the Project applications is also below.

General Plan Amendment:

BZO Section 17.64.070 requires that four findings be met to justify approval of a General Plan Amendment application. Staff analyzed the application against these findings for General Plan Amendment, Case No. 20-2501, below:

Finding A: The proposed amendment is internally consistent with the General Plan.

Finding of Fact: California Government Code Section 65302 requires that a General Plan consists of seven (7) State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The Land Use Element is one of the seven State-mandated elements of the General Plan and includes the Land Use Map for the City of Banning. The Land Use map and the Zoning map are 100% consistent with one another and, therefore, the same map doubles to serve both purposes. The proposed Project will not create an incompatible land use as discussed in Table 4.11.A: Development Project Consistency Analysis with the City of Banning General Plan, found in the Draft EIR. This Table evaluates how the proposed Project is internally consistent with each element of the General Plan.

Finding B: The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed General Plan Land Use Map Amendment and Zone Change will allow for the orderly development of the proposed Sunset Crossroads development project in an industrial area, further strengthening economic development and job opportunities, while not damaging the public interest, health, safety, convenience, or welfare of the City.

As set in the Final EIR, the related CEQA Findings, and Statement of Overriding Considerations, the adverse significant environmental effects of the Project would be reduced to the extent feasible by incorporation of project design features, taking into account required regulatory measures and adopting the mitigation measures identified in the MMRP, and the social, economic and other benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable.

Finding C: The proposed amendment would maintain the appropriate balance of land uses within the City.

Finding of Fact: Table III-3, of the Community Development Chapter of the City's General Plan details that 252.1 acres of vacant land is designated as General Commercial, and 274.1 acres of vacant land is designated as Industrial. The Project will increase the amount of vacant General Commercial land by 47.9 acres, and will increase the amount of vacant Industrial land by 392 acres which provide a statistically significant positive change in the balance of vacant non-residential land uses within the City. A transfer of the residential density currently identified within the Sunset Crossroads Specific Plan boundary will transfer to another nearby location, resulting in no net loss of residential density, as required under state law and General Plan Housing Element goals and programs. As such, the balance of land use designations will not be negatively impacted by the Project.

Finding D : The amendment is physically suitable for the surrounding environment; including, but not limited to site access, the provision of utilities, and compatibility with adjoining land uses, including the absence of any physical constraints, for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The Sunset Crossroads Project envisions the development of industrial and commercial uses on a 533.8-acre site through adoption of the Sunset Crossroads 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 Specific Plan text identifies the permitted land uses; development standards, design guidelines; and implementation provisions. The Development Project includes a General Plan Amendment and Zone Changes amending the land use designations on-site 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 site are located outside the current City boundary within the City's sphere of influence (SOI); therefore, the Project envisions annexation of this area into the city. A Plan of Services and a Water Supply Assessment prepared for the project indicates that site access and infrastructure for utility conveyances is available and provisions for service have been planned. The Project will implement Policy 8 of the Community Development Chapter of the General Plan, which requires that the City assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44). The Project will implement Program 4.B, which "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

Specific Plan:

BZO Section 17.96.040 requires that four findings be met to justify approval of a Specific Plan application. Staff analyzed the application against these findings for Specific Plan, Case SP 20-2002, below:

Finding A: The proposed plan is consistent with the General Plan;

Finding of Fact: The Specific Plan is consistent with the City's General Plan by allowing additional economic growth opportunities, while balancing land use, circulation, housing, and economic development with the corresponding general plan amendments to establish the use at the project site and transfer residential to an off-site location adjacent to a higher-education campus. The Specific Plan supports development and job creation as outlined in the General Plan goals and policies and aligns with policies related to walkability, infrastructure upgrades, and community amenities.

Finding B: The proposed plan would not be detrimental to the environment, or to the public interest, health, safety, convenience, or welfare of the City;

Finding of Fact: The Environmental Impact Report (EIR) prepared for the Project identifies potentially significant impacts but includes mitigation measures to reduce impacts to less than significant where feasible. The City determined that, with mitigation and overriding considerations, the plan will not be detrimental to the environment or public interest, health, safety, or welfare. The Statement of Overriding Considerations justifies this by citing long-term economic and community benefits. Additionally, consistent with state law requirements, the proposed Specific Plan describes a comprehensive plan for land use, circulation and infrastructure to ensure the plan accommodates necessary utilities and services to protect the public interest, health safety, convenience and welfare.

Finding C: The subject property is physically suitable for the requested land use designation(s) and the anticipated development(s);

Finding of Fact: The property is physically suitable for the intended land uses. The site is largely undeveloped, has appropriate access to major roadways, and will be served by necessary infrastructure improvements (e.g., sewer, water, traffic). The project underwent geotechnical, hydrology, and environmental analyses that confirmed suitability for the scale and type of development.

Finding D: The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood.

Finding of Fact: The project design reflects a desirable and compatible character, incorporating landscaping, architectural standards, buffers, and traffic planning. Adjacent uses include residential, commercial, and institutional land uses, and the project includes transitions in use intensity and design to ensure compatibility.

Zone Change:

BZO Section 17.116.050 requires that three findings be met to justify approval of a Zoning Ordinance Amendment application. Staff analyzed the application against these findings for Zoning Ordinance Amendment, Case No. 20-3502, below:

Finding A: The proposed Amendment is consistent with the goals and policies of the General Plan. Finding of Fact: The proposed amendment will establish a land use pattern consistent with the corresponding general plan amendment, allowing for General Commercial and Industrial districts while preserving natural on -site arroyos and open spaces with Open Space designations. The proposed zoning will also create economic opportunities consistent with the goals and policies in the General Plan Economic Development Element, such as the following:

Goal: A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

Policy 2 The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.

Program 6.B Preserve highway commercial land use designations at interchange locations, and encourage the location of high-quality freeway-serving businesses.

Finding B: The proposed Amendment is internally consistent with the Zoning Ordinance.

Finding of Fact: The proposed Project shall require an amendment to Banning Municipal Code Section 17.96.080 - Specific plan zoning districts and zoning map designations. Inclusion of the Sunset Crossroads Specific Plan in the BMC will immediately make it consistent with the zoning ordinance. A key element of the project involves a transfer of residential density from Sunset Crossroads development project site to the Mt. San Jacinto Community College site to accommodate the commercial/industrial development project. The transfer of residential development capacity is consistent with state housing law in that it ensures no net loss in the residential development capacity identified in the City's General Plan. The proposed density transfer can be accommodated on an approximately 41-acre site as the proposed density range is from 24 to 30 dwelling units per acre, consistent with the Zoning Ordinance and development standards for the Very High Density Residential zone.

Finding C : The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding of Fact: The Sunset Crossroads FEIR has been prepared for the Project in accordance with the California Environmental Quality Act (CEQA). The City Council has conducted an independent review and is moving to certify the Sunset Crossroads FEIR and adopt the related CEQA Findings, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program for the Project.

Development Agreement:

BZO Section 17.60.030 requires that two findings be met to justify approval of a Development Agreement application. Staff analyzed the application against these findings for Zoning Ordinance Amendment below:

Finding A: The Development Agreement is consistent with the General Plan, any applicable Specific

Plans, and the Zoning Ordinance.

Finding of Fact : In accordance with the Banning Municipal Code, the Development Agreement contains provisions that set forth a defined term, the specific types, density, and intensity of uses allowed, reservations or dedication of land for public purposes, a limited stay on future development fee increases; and processes for reviewing related future approvals and amending the Development Agreement. Approval of the Development Agreement would provide for the orderly development of the Project and necessary infrastructure improvements.

Finding B: The Development Agreement will promote the welfare and public interest of the City.

Finding of Fact: The Development Agreement incorporates provisions for financing, acquisition, and construction of infrastructure, for the Sunset Crossroads Specific Plan, as well as acquisition and development of adequate levels of open space. The Agreement would grant the applicant vested rights to develop the Project in exchange for certain financial contributions, including substantial public benefit fees and land dedications, and other consideration to be received by the City.

Tentative Parcel Map:

Pursuant to Section 66474 of the Subdivision Map Act, there are seven findings that must be met to justify approval of a Tentative Map application. Staff analyzed the application against these findings for Tentative Parcel Map, Case TPM 38118, below:

Finding A: The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

Finding of Fact: The City's General Plan land use designation and Zoning Map will be amended as part of the overall project approvals. The proposed tentative map will be consistent with the designation of the project site as "Specific Plan," and the proposed map provides for the accommodation of nineteen (19) planning areas, consisting of a variety of commercial and industrial uses, lot types and sizes ranging from 1-acre to 194.3-acres, common open spaces, and circulation and other public improvements. The proposed map furthers the objectives and policies of the General Plan in that 440 acres of the project area is dedicated to commercial and industrial development, with no net loss of residential density.

Finding B: The design and improvements of the proposed Tentative Parcel Map is consistent with the zone in which the property is located.

Finding of Fact: The corresponding Specific Plan establishes criteria for circulation and rights-of-way for public street accessing each of the developable parcels proposed within the Tentative Map. Proposed street widths and sections are consistent with the Specific Plan criteria. Utilities will be provided consistent with the Specific Plan.

Finding C: The site is physically suited for this type of development.

Finding of Fact: The 533.8- acre Project site is currently vacant and undeveloped. The site's elevation ranges from approximately 2,399–2,523 feet above mean sea level (amsl) . There is a difference of approximately 124 feet of elevation change from the southeast extent of the site to northwest extent of the Project site. The topography is fairly level with gentle slopes, and several watercourses transect the site. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site and Smith Creek flows in a north-south direction. Highland Wash is a smaller drainage course and tributary to Smith Creek that confluences with Smith Creek near Westward Avenue. The subject site encompasses 533.8 acres, including 253.7 acres making up approximately the south half of the development project is presently outside of the current City limits and within the City's Sphere of Influence. These 253.7 acres will be annexed into the City of Banning upon approval of the Sunset Crossroads Specific Plan. The proposed map as conditioned, including the mitigation measures contained within the Final Environmental Impact Report and the Mitigation Monitoring Reporting Program

will ensure that the Project's development is in accordance with and will implement the public improvements and mechanisms whereby the necessary facilities and resources will be available for future uses.

Finding D: The subject site is physically suitable for the proposed density of development.

Finding of Fact: The subject site consists of 533.8-acres of vacant and undeveloped land and is planned to provide development opportunities for commercial/retail and industrial uses. However, no residential density is proposed.

Finding E: 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.

Finding of Fact: With the exception of the significant and unavoidable environmental effects of the project identified in the FEIR and the MMRP, the design of the subdivision and proposed improvements are not expected to cause substantial environmental damage or to substantially injure fish or wildlife or their habitat. The project site is not in a linkage designated under the MSHCP that is a connection between substantial habitat blocks with adequate size, configuration, and vegetation characteristics to generally provide for "live-in" habitat and/or provide for genetic flow for identified covered species. Significant cumulative effects of the project on the MSHCP-covered plans and wildlife, wildlife movement, riparian/riverine areas and habitat connectivity are fully mitigated by the City of Banning's signatory status under the MSHCP and the requisite measures for mitigation of project -specific impacts to the burrowing owl, Los Angeles pocket mouse and Stephens' kangaroo rat and these species' habitat. Cumulative effects not specially covered under the MSHCP are nevertheless mitigated to less than significant levels by the broad range of habitats covered by the MSHCP, project design features and mitigation measures required for the proposed project, and payment of the MSHCP mitigation fee.

Finding F: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Finding of Fact: All parcels planned for development within the subdivision will have access to utilities, including water, wastewater and electricity. Emergency services such as police and fire, are also available to serve the properties as these parcels develop. As a result, no public health problems are anticipated.

Finding G: The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.
Finding of Fact: The subdivision proposes to dedicate public streets that will be consistent with the criteria planned by the Sunset Crossroads Specific Plan. With the improvement of the development, this will allow safe access through the site and provide each newly established parcel with access.

ENVIRONMENTAL DETERMINATION:

Environmental Impact Report (EIR):

Pursuant to Section 15060(d) of the California Environmental Quality Act (CEQA) Guidelines, "If the lead agency can determine that an EIR will be clearly required for a project, the agency may skip further initial review of the project and begin work directly on the EIR process described in Article 9, commencing with Section 15080. In the absence of an initial study, the lead agency shall still focus the EIR on the significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant." Based upon the complexity and magnitude of the proposed project, the City determined that an Environmental Impact Report should be prepared for the project, and an Initial Study was not necessary. A Notice of Preparation (NOP) was therefore completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impacts on the environment. The State of California Clearinghouse issued a project number for the project, SCH No. 2021020011. The 30 -day public comment period extended from

February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts addressed in Chapter 4.0 of the Draft EIR.

Scoping Meeting: Due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021 at 5:30 p.m. via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021 providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting.

Tribal Consultation: The Development Project includes a General Plan Amendment and implementation of a Specific Plan for the Development Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) are required. On November 30, 2020 the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Development Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project.

The City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC Site Entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC Entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City.

Draft EIR : A Notice of Availability (NOA) of the Draft EIR was provided to responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024 and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023 to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR.

Public Comments: The following comment letters were submitted to the City during the public review period:

State Agencies:

- A-1: State of California, California Air Resources Board, Stanley Armstrong, Air Pollution Specialist (January 12, 2024)
- A-2: State of California, Department of Fish and Wildlife, John Dempsey, Environmental Scientist (January 26, 2024)
- A-3: State of California, California Air Resources Board, Matthew O'Donnell, Chief, Rish Reduction Branch, Transportation and Toxics Division (January 30, 2024)
- A-4: State of California, Department of Fish and Wildlife, Kim Freeburn, Environmental Program Manager (February 5, 2024)
- A-5: State of California, Department of Justice, Rob Swanson, Deputy Attorney General, Bureau of Environmental Justice (December 21, 2023)

Regional Agencies:

- B-1: South Coast Air Quality Management District, Sahar Ghadimi, Air Quality Specialist (January 2, 2024)
- B-2: South Coast Air Quality Management District, Sam Wang, Program Supervisor (January 30, 2024)

Local Agencies:

- C-1: Riverside County Flood Control and Water Conservation District, Amy McNeill, Engineering Project Manager (January 10, 2024)
- C-2: Riverside County Airport Land Use Commission, Jackie Vega, Urban Regional Planner II (December 19, 2023)

Organizations:

- D-1: Sierra Club, George Hague (December 22, 2023)
- D-2: Sierra Club, George Hague (December 22, 2023)
- D-3: Golden State Environmental Justice Alliance, Represented by Blum, Collins & Ho LLP, Matt Hagemann and Paul Rosenfeld (January 29, 2024) (withdrawn April 23, 2024)
- D-4: Golden State Environmental Justice Alliance, Adam Salcido (January 29, 2024) (withdrawn April 23, 2024)
- D-5: Sierra Club, Represented by Law Office of Abigail Smith, Abigail Smith (January 30, 2024)
- D-6: Sierra Club, Represented by Law Office of Abigail Smith, Abigail Smith (January 30, 2024)
- D-7: Western States Regional Council of Carpenters, Represented by Mitchell Tsai Law Firm, Matt Hagemann and Paul Rosenfeld (January 30, 2024)

Individuals:

- E-1: Gary and Jan Wilhelmson (December 12, 2023)
- E-2: Steve and Raelene Kretchman (January 5, 2024)
- E-3: Michael Volz (January 5, 2024)
- E-4: Steve and Raelene Kretchman (January 8, 2024)
- E-5: Carl and Tara Pueschel (January 8, 2024)
- E-6: Janet and Martin Sherman (January 11, 2024)
- E-7: Mary Ann Malleby (January 15, 2024)
- E-8: Charles Friese (January 19, 2024)
- E-9: Patricia Naylor (January 20, 2024)
- E-10: Barbara Elness (January 21, 2024)
- E-11: Frances Valenzuela (January 21, 2024)
- E-12: Nick and Mary Goralsky (January 22, 2024)
- E-13: Korrie Gartzke (January 23, 2024)
- E-14: Rick and Lori Kaminsky (January 23, 2024)
- E-15: Bernet Roth (January 14, 2024)
- E-16: Timothy and Francisca Hanrathy (January 25, 2024)
- E-17: David and Ruth Madon (January 27, 2024)
- E-18: John and Shirley Creviston (January 28, 2024)
- E-19: Armando Aranda (January 29, 2024)
- E-20: Kathleen Aranda (January 29, 2024)
- E-21: Andrea Arthuholtz (January 29, 2024)
- E-22: Julie Austin (January 29, 2024)
- E-23: Gary Burkel (January 29, 2024)
- E-24: Nora Burkel (January 29, 2024)
- E-25: Randy Robbins, Jim Corrigan, and Diane Berley, Concerned Citizens (January 29, 2024)
- E-26: Ginny June (January 29, 2024)

- E-27: Tennie Boggs and Jack Marty (January 29, 2024)
- E-28: Richard McHard (January 29, 2024)
- E-29: Michael Volz (January 29, 2024)
- E-30: Sudan Walsh (January 29, 2024)
- E-31: Kathleen Dale (January 30, 2024)
- E-32: Cindy Medley (January 30, 2024)
- E-33: T. Gae Rush (January 31, 2024)
- E-34: Robert Messiet (January 30, 2024)
- E-35: Diane Nethercott (January 30, 2024)
- E-36: Ron Roy (January 30, 2024)
- E-37: Winona Williams (January 30, 2024)
- E-38: Ron Roy (January 30, 2024)

Responses to the comments have been prepared and are included in the Final EIR for the Sunset Crossroads Specific Plan Project.

Less Than Significant Impacts: Of the 20 environmental factors analyzed in the Environmental Impact Report, specific categories associated with these factors were determined to be less than significant and were not further analyzed in the Draft EIR. The categories in these specific factors include:

- Aesthetics (Thresholds 4.1.1, 4.1.2, 4.1.3, 4.1.4)
- Agriculture and Forestry Resources (Thresholds 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5)
- Air Quality (Thresholds 4.3.3, 4.3.4)
- Biological Resources (Thresholds 4.4.3, 4.4.4)
- Cultural Resources (Threshold 4.5.3)
- Energy (Threshold 4.6.1, 4.6.2)
- Geology and Soils (Thresholds 4.7.1(i), 4.7.1(ii), 4.7.1(iii), 4.7.1(iv), 4.7.2, 4.7.3, 4.7.4, 4.7.5)
- Hazards and Hazardous Materials (Thresholds 4.9.1, 4.9.2, 4.9.3, 4.9.4, 4.9.5, 4.9.6, 4.9.7)
- Hydrology and Water Quality (Thresholds 4.10.1, 4.10.2, 4.10.4, and 4.10.5)
- Land Use and Planning (Thresholds 4.11.1, 4.11.2)
- Mineral Resources (Thresholds 4.12.1, 4.12.2)
- Noise (Thresholds 4.13.1, 4.13.2, 4.13.3)
- Population and Housing (Thresholds 4.14.1, 4.14.2)
- Public Services (Thresholds 4.15.1, 4.15.2, 4.15.3, 4.15.4, 4.15.5)
- Recreation (Thresholds 4.16.1, 4.16.2)
- Transportation (Thresholds 4.17.1, 4.17.3, 4.17.4)
- Utilities and Service Systems (Thresholds 4.19.1, 4.19.2, 4.19.3, 4.19.4, 4.19.5)
- Wildfire (Thresholds 4.20.1, 4.20.2, 4.20.3, 4.20.4)

Impacts Mitigated to Less Than Significant: Mitigation measures are proposed to reduce impacts to less than significant for the various categories analyzed in the EIR. These mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the following:

- Biological Resources (Thresholds 4.4.1, 4.4.2, 4.4.5, and 4.4.6)
- Cultural Resources (Threshold 4.5.1)
- Geology and Soils (Threshold 4.7.6.)
- Hydrology and Water Quality (Threshold 4.10.3)
- Tribal and Cultural Resources (Thresholds 4.18.1 and 4.18.2)

The MMRP is included as an attachment to this report.

Significant and Unavoidable Impacts: Section 15126 of the CEQA Guidelines requires that the EIR identify the significant environmental effects that cannot be avoided if the proposed project should be implemented (CEQA Guidelines Section§ 15126(b)), and the significant irreversible environmental changes that would be involved if the proposed project is implemented (CEQA Guidelines Section§

15126(c)). Below are the significant and unavoidable impacts identified in the EIR:

Air Quality. Emissions associated with the operation of the Development Project would remain significant and unavoidable, even with implementation of the planned project design features and Mitigation Measures AIR-1 and AIR -2 as revised. No additional feasible mitigation measures are available that can reduce impacts to less than significant. As such, the Project would not be consistent with the attainment of the AAQS or emission reductions assumptions indicated in the AQMP. Therefore, based on the requirements for consistency with emission control strategies in the AQMP, the Development Project would conflict with or obstruct the implementation of the AQMP and/or applicable portions of the SIP. Therefore, this impact would be significant and unavoidable. In order to reduce air quality impacts to the maximum extent feasible, mitigation measures are required and included in the MMRP.

Greehouse Gas Emissions. Based upon the analysis presented in Section 4.8, Greenhouse Gas Emissions of the EIR, mitigation measures GHG-1 through GHG-7 have been identified to address this impact are feasible and made binding through the MMRP. In addition, MM AIR-1 and AIR-2, as revised, would also be applicable and reduce GHG impacts to the extent feasible (Draft EIR Section 4.8.5.1) and reduce air quality emissions. Despite imposition of these feasible mitigation measures, the volume of GHG emissions generated by the Development would not be reduced below established significance thresholds.

Noise. Noise generated by project construction activities would be reduced to a less than significant level with the implementation of the Mitigation Measure NOI-1. Mitigation Measure NOI-1 includes the installation of minimum 10-foot high temporary construction barriers when Development Project construction activities are within 100 feet from the nearest residential structure and other measures to reduce noise impacts will reduce construction noise impacts associated with on- site construction of the Development Project to less than significant. However, because it is yet to be determined if a noise barrier can be constructed on City right-of-way during construction of roadway and utilities on Sunset Avenue, the City finds that construction noise impacts for construction of the roadway and utilities on Sunset Avenue is considered significant and unavoidable.

Transportation. Mitigation measures require the preparation of a Transportation Demand Management (TDM) strategy report to reduce employee Vehicle Miles Traveled (VMT). While the inclusion of mitigation measures T-1 through T-3 would reduce VMT by 8.4 percent, Project generated VMT per employee still exceeds the City's adopted VMT impact threshold. Therefore, even with the implementation of MM TRA-1, Transportation threshold 4.17.2 would remain significant and unavoidable.

Findings of Fact and Statement of Overriding Considerations:

The California Environmental Quality Act provides provisions for an agency to approve a project when such a project will cause one or more significant environmental effects. In conjunction with the certification of the EIR, findings of fact are required pursuant to Section 15091 of the Public Resources Code (PRC) which provides that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant environmental effects of the project, unless, the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions ofemployment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, the Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC § 21081(b)). Therefore, a Statement of Overriding Considerations and Findings of Fact have been prepared for the Project and will allow the City to find and declare that the Project benefits outweigh the impacts as justified and described in these documents, which are attached to this report.

PUBLIC COMMUNICATION:

On January 2, 2026, a notice of public hearing was mailed to owners within 300 feet of the project site, notifying the public that the subject applications would be considered by the City Council at a special public hearing on January 28, 2025. This notice was also published in the Record Gazette, a newspaper of general circulation within the City of Banning, on January 2, 2026. Several comment letters were received and are included as an attachment to this report

FISCAL IMPACT:

Increased property tax and sales tax revenues to the City from the development of commercial and industrial properties, including development impact fees and other fee revenue outlined in the Development Agreement.

ALTERNATIVES:

Continue the Public Hearing. Continue the item to a date certain or a future meeting to allow for Staff or Applicant to provide additional information, analysis, or project modifications.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. 3.1a GPA20-2501 ZC20-3502 TPM38118 CA CC EIR SOC MMRP REJECT Reso 2026-26.pdf
2. 3.1b GPA20-2501 ZC20-3502 SP20-2002 TPM38118 DA CC DENIAL Reso 2026-27.pdf
3. 3.1c GPA20-2501 ZC20-3502 TPM38118 DA CC EIR SOC MMRP CERTIFICATION Reso 2026-28.pdf
4. 3.1d GPA 20-2501 SP 20-2002 APPROVAL Reso 2026-29.pdf
5. 3.1e GPA20-2501 ANNEXATION Reso 2026-30.pdf
6. 3.1f TPM38118 CC APPROVAL Reso 2026-31.pdf
7. 3.1g GPA20-2501 ZC20-3502 SP20-2002 TPM38118 EA20-1506 CC ExA COA 2-26-26.pdf
8. 3.1h ZC CC Ordinance No. 1618.pdf
9. 3.1i DA CC Ordinance 1620.pdf
10. 3.1j Banning Sunset Crossroads DA 4861-3845-1024 v.142.pdf
11. 3.1k Sunset Crossroads Specific Plan 2024-09-25.pdf
12. 3.1l TPM 38118 2024-07-11.pdf
13. 3.1m Link to Draft and Final EIR Documents Online.pdf
14. 3.1n CEQA Findings and SOOC - Sunset Crossroads.pdf
15. 3.1o Sunset Crossroads - Supplemental CEQA Technical Memorandum.pdf
16. 3.1p SunsetCrossroads - Modified Project v2.1 CEQA Tech Memo - Trip Generation Assessment.pdf
17. 3.1q Sunset Crossroads Aerial Vicinity GP Zoning Maps.pdf
18. 3.1r PHN CC Meeting 01-28-26 Sunset Crossroads SP.pdf
19. 3.1s Sunset Crossroads Ltr to City Council 01.23.26.pdf

20. 3.1t Letters received in Support of Sunset Crossroads SP.pdf
21. 3.1u Letters received in Opposition of Sunset Crossroads SP.pdf
22. 3.1v Supplemental Correspondence Received After Public Hearing - January 28, 2026.pdf
23. 3.1w 2026 01 28_Special Meeting_Minutes_DRAFT.pdf
24. 3.1x 2025 09 10_Special PC Meeting Minutes_DRAFT.pdf
25. 3.1y 2025 11 17_PC Minutes_DRAFT.pdf

RESOLUTION 2026-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, REJECTING THE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR SCH NO. 2021020011) INCLUDING RELATED FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") FOR THE NP BANNING INDUSTRIAL LLC INDUSTRIAL AND COMMERCIAL DEVELOPMENT PROJECT INVOLVING SPECIFIC PLAN NO. 20-2002, GENERAL PLAN AMENDMENT NO. 20-2501, ZONE CHANGE 20-3502, TENTATIVE PARCEL MAP NO. 38118, AND A DEVELOPMENT AGREEMENT, ON A 533.8 ACRE PROJECT SITE LOCATED SOUTH OF I-10 AND THE UNION PACIFIC RAILROAD AND WEST OF SUNSET AVENUE

WHEREAS, an application for Specific Plan 20-2002, General Plan Amendment (GPA) 20-2501, Zone Change (ZC) 20-3502, Tentative Parcel Map (TPM) 38118, and a Development Agreement with the City of Banning (collectively, the "Project"), for the development of industrial and commercial uses on a 533.8-acre project site located south of I-10 and the Union Pacific Railroad, and west of Sunset Avenue (assessor's parcel numbers (APNS): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036), including 253.7 acres located in unincorporated riverside county and the city's southerly sphere of influence, has been duly filed by NP Banning Industrial, LLC; and

WHEREAS, concurrently with consideration of the Project, the City is considering General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site") to ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, pursuant to Section 17.04.060.A. of the Banning Municipal Code, the City Council has the authority to review and approve or conditionally approve the subject applications SP 20-2002, GPA 20-2501, ZC 20-3502, TPM 38118, a DA between NP Banning Industrial, LLC and EA 20-1506 (SCH# 2021020011, FEIR for the Project); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(2) and 15070, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the Project. A Notice of Preparation (NOP) was subsequently completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comments on the Project's potential impact(s) on the environment; and

WHEREAS, the State of California Clearinghouse issued a project number for the project, SCH No. 2021020011. The 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021, via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021, providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Sunset Crossroads development project includes a General Plan Amendment and implementation of a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) were conducted. On November 30, 2020, the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023, to January 30, 2024, and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023, to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project; and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025, the City provided public hearing notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Project, before the Planning Commission to consider the Project and to recommend that the City Council adopt a Final Environmental Impact Report (FEIR) for the Project. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on September 10, 2025, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project. At the conclusion of the hearing, the Commission voted 2 in support and 3 opposed to adopt the draft resolution recommending approval, resulting in a failed motion; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025, the City provided notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Project, before the Planning Commission to consider the Project and to recommend that the City Council adopt a Final Environmental Impact Report (FEIR) for the Project. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on November 5, 2025 the Planning Commission considered any new information received on the project and voted 3 in support and 2 opposed to not re-open the public hearing, in accordance with the City of Banning's Manual of Procedural Guidelines, Section 7.3(e), before continuing its deliberation and considering the entirety of the record for the Project; and

WHEREAS, at the November 5, 2025, regular meeting, the Planning Commission voted 5-0 instructing staff to prepare a resolution making findings supporting a denial recommendation to the City Council of the Projects and rejection of the certification of the EIR; and

WHEREAS, at the November 17, 2025, special meeting, the Planning Commission voted 3-2 adopting Resolution No. 2025-16 recommending the City Council deny Project applications and rejecting the certification of the EIR SCH No. 2021020011, including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting

was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the project site; and

WHEREAS, in accordance with Government Code Section 65353 and 65855, on January 28, 2026, the City Council held the duly noticed special public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the City Council considered the entirety of the Project. At the conclusion of the hearing, the Council voted unanimously 5-0 to continue the item to a special public hearing date of February 26, 2026; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed general plan amendment and zone change, supporting materials, and public testimony and finds the project in conformance with the requirements of the Banning Municipal Code, the City's General Plan, and the Zoning Ordinance.

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

SECTION 1. RECITALS.
The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. ENVIRONMENTAL DETERMINATION.

A. 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 prepared an Environmental Impact Report evaluating the potential environmental effects of the Sunset Crossroads development project, and a programmatic analysis of the proposed MSJC entitlements.

B. Thereafter, City Staff provided public notice of completion of a DEIR and establishing the 45-day public review and comment period as required by law. The public comment period began on December 15, 2023, and expired on January 30, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website. The City received 54 comment letters during the public review period.

C. The City Council reviewed the Final EIR, inclusive of the Draft EIR, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the Sunset Crossroads Specific Plan EIR. In light of the whole record, the City Council determines and finds that: the project will result in significant and unavoidable impacts on the environment, including the degradation of air quality and increases in vehicles miles travelled, noise and greenhouse gas emissions as a result of the Project. The City Council finds that the overriding considerations related to the social, economic and other benefits of the Project,

including the eight identified in the Statement of Overriding Considerations as part of the record, do not outweigh the potential unavoidable significant impacts.

D. Based on the findings set forth in this Resolution and the whole of the administrative record in this matter, the City Council rejects the certification of the Sunset Crossroads FEIR, rejects adoption of the related CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project.

SECTION 3. DENIAL
The City Council hereby affirms the Planning Commission's recommendation and DENIES the Project applications and REJECTS the certification of the EIR SCH No. 2021020011, including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

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

PASSED, APPROVED AND ADOPTED this 26th day of February, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City Attorney
Slovak, Baron, Empey, Murphy, & Pinkney LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-26, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February, 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

RESOLUTION 2026-27

A RESOLUTION OF THE CITY COUNDIL OF THE CITY OF BANNING, CA, DENYING THE SUNSET CROSSROADS SPECIFIC PLAN NO. 20-2002, GENERAL PLAN AMENDMENT NO. 20-2501, ZONE CHANGE 20-3502, TENTATIVE PARCEL MAP NO. 38118, AND A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND NP BANNING INDUSTRIAL LLC FOR THE DEVELOPMENT OF INDUSTRIAL AND COMMERCIAL USES ON A 533.8-ACRE PROJECT SITE LOCATED SOUTH OF I-10 AND THE UNION PACIFIC RAILROAD, AND WEST OF SUNSET AVENUE (ASSESSOR'S PARCEL NUMBERS (APNS): 537-110-003 THROUGH -005, 537-110-011 THROUGH -014, 537-120-013, 537-120-025, AND 537-120-028 THROUGH -036), INCLUDING 253.7 ACRES LOCATED IN UNINCORPORATED RIVERSIDE COUNTY AND THE CITY'S SOUTHERLY SPHERE OF INFLUENCE

WHEREAS, an application for Specific Plan 20-2002, General Plan Amendment (GPA) 20-2501, Zone Change (ZC) 20-3502, Tentative Parcel Map (TPM) 38118, and a Development Agreement with the City of Banning (collectively, the "Project"), for the development of industrial and commercial uses on a 533.8-acre project site located south of I-10 and the Union Pacific Railroad, and west of Sunset Avenue (assessor's parcel numbers (APNS): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036), including 253.7 acres located in unincorporated riverside county and the city's southerly sphere of influence, has been duly filed by NP Banning Industrial, LLC; and

WHEREAS, concurrently with consideration of the Project, the City is considering General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site") to ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, pursuant to Section 17.04.060.C. of the Banning Municipal Code, the City Council has the authority to review and approve or conditionally approve the subject applications SP 20-2002, GPA 20-2501, ZC 20-3502, TPM 38118, a DA between NP Banning Industrial, LLC and EA 20-1506 (SCH# 2021020011, FEIR for the Project); and

WHEREAS, pursuant to Section 17.76.020 of the Banning Municipal Code, the City Council has the authority to interpret the General Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(2) and 15070, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the project, and an Initial Study was not necessary. A Notice of Preparation (NOP) was therefore completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impact(s) on the environment; and

WHEREAS, the State of California Clearinghouse issued a project number for the project, SCH No. 2021020011. The 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021, via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021, providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Sunset Crossroads development project includes a General Plan Amendment and implementation of a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) were conducted. On November 30, 2020, the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023, to January 30, 2024, and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023, to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project; and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025, the City provided public hearing notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission to consider the Project, and related environmental documentation. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on September 10, 2025, the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project. At the conclusion of the hearing, the Commission voted 2 in support and 3 opposed to adopt the draft resolution recommending approval, resulting in a failed motion; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025, the City provided notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission for further deliberation to consider the Project and related environmental documentation. The notice was also mailed to the owners of the subject properties within 300 feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on November 5, 2025 the Planning Commission considered any new information received on the project and voted 3 in support and 2 opposed to not re-open the public hearing, in accordance with the City of Banning's Manual of Procedural Guidelines, Section 7.3(e), before continuing its deliberation and considering the entirety of the record for the Project; and

WHEREAS, after further deliberation the Planning Commission voted 3 in support and 2 opposed to instruct staff to prepare a resolution making findings supporting a denial recommendation to the City Council and said resolution was considered at a Special Meeting of the Planning Commission on November 17, 2025.

WHEREAS, at the November 17, 2025, special meeting, the Planning Commission voted 3-2 adopting Resolution No. 2025-16 recommending the City Council deny Project applications and rejecting the certification of the EIR SCH No. 2021020011, including

Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the project site; and

WHEREAS, in accordance with Government Code Section 65353 and 65855, on January 28, 2026, the City Council held the duly noticed special public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the City Council considered the entirety of the Project. At the conclusion of the hearing, the Council voted unanimously 5-0 to continue the item to a special public hearing date of February 26, 2026; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed general plan amendment and zone change, supporting materials, and public testimony and finds the project in conformance with the requirements of the Banning Municipal Code, the City's General Plan, and the Zoning Ordinance.

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. RECITALS:
The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. FINDINGS FOR GENERAL PLAN AMENDMENT:
Section 17.64.070 of the Banning Municipal Code (BMC) requires that General Plan Amendment applications meet four required findings. The City Council does hereby find and determine that General Plan Amendment, Case No. GPA 20-2501, be denied as a legislative act based on information in the record and because at least one of the required findings cannot be met in the affirmative for the following reasons:

Finding A: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: The Project seeks to amend the allowable land use of approximately 400 acres of land from residential to industrial in an area that is primarily surrounded by existing and planned residential land uses, to allow an industrial development of approximately 5 million square feet of building area in buildings ranging in size up to 1.4-million square feet. The proposed Amendment to the General Plan would create internal inconsistencies with the General Plan Vision Statement, the Circulation Element and the Land Use Element for the following reasons:

1. *Vision Statement. We see evenly distributed residential development of all types which provides quality housing for all our residents. To accomplish this, we commit*

to respecting and enhancing the character of our existing neighborhoods, securing more open space, and encouraging high quality development proposals.

The proposed reduction of Residential Land Use to accommodate the proposed amendment and several hundred acres of Industrial Land Use conflicts with this Vision statement by placing Industrial Land Uses into an area characterized by existing and planned Residential Land Uses and distributing too much Industrial Land Use in the City. As described further below, the amendment will increase overall Industrial acreage in the City by approximately 40%, which is inconsistent with the above vision statement. The truck-intensive nature of the proposed industrial uses and associated routing of trucks past established and planned residential neighborhoods does not respect or enhance the character of existing neighborhoods surrounding the land proposed for amendment to industrial, due to significant impacts as described in the EIR and further described below.

2. Community Development – Land Use Element

   a. *Residential Goal 1. Preserve and enhance the City's neighborhoods*.

   b. *Residential Policy 2. Projects adjacent to existing neighborhoods shall be carefully reviewed to ensure that neighborhood character is protected.*

The proposed amendment conflicts with the above goal and policy in the General Plan. The proposed truck-intensive impacts from the industrial/warehouse uses will not respect the character of existing and proposed residential neighborhoods that surround the Project site. Residential uses adjacent to the east side of Sunset Avenue will be impacted by the increase in truck traffic from the proposed Amendment to allow Industrial Land Uses, because of the anticipated 1,850 trucks using Sunset Avenue and the resulting degradation of air quality, increase in greenhouse gas emissions and increase in noise and visual blight impacts to these residents. Consequently, the proposed Amendment does not protect, nor enhance, the existing and planned residential uses in the adjacent and surrounding neighborhoods. The amendment is inconsistent with Residential Goal 1 and Residential Policy 2.

c. Industrial Goal. A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

The proposed amendment conflicts with the above goal. The Environmental Impact Report identifies significant and unavoidable impacts to air quality and greenhouse gases as a result of the amendment. Significant impacts include both construction and operational from the Industrial Land Use that cannot be mitigated to less than significant. Therefore, the amendment conflicts with the above Industrial Goal by introducing polluting industrial uses.

d. *Commercial and Industrial Policy 7. The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.*

In addition to increasing traffic adjacent to residential neighborhoods, the building mass, building scale, noise and general operating characteristics of the proposed industrial warehouses are incompatible with the established and proposed residential neighborhoods in the surrounding area. Buildings within the development will reach up to 60 feet in height, which is incompatible with the character of the residential neighborhood to the west, south and east of the site proposed under this amendment. Consequently, the amendment is inconsistent with Commercial and Industrial Policy 7.

e. *Commercial and Industrial Policy 8. 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 amendment would introduce approximately 1,850 truck trips per day on Sunset Avenue, where there is currently essentially no truck traffic and where existing, adjacent residential developments and the Rancho San Gorgonio project, a planned residential development with 3,400 units, will utilize Sunset Avenue to access the I-10 freeway and surrounding businesses. The I-10 and Sunset Ave interchange is not suited to the projected volume of heavy-duty truck traffic considering space between intersections, ramp grades, and proximity to the I-10 and 22nd Avenue interchange. As a result, the amendment is inconsistent with Commercial and Industrial Policy 8, due to the potential traffic impacts associated with tractor-trailers accessing the Project. The amendment conflicts with Commercial and Industrial Policy 8.

3. Community Development – Circulation Element

a. *Policy 6. The City shall maintain peak hour Level of Service D or better at all local intersections.*

The EIR traffic analysis (Draft EIR Appendix J-2, Table 5.4 and Table 6-3) finds that six study area intersections would operate at a Level of Service less than D as a result of project-level and cumulative traffic generation, which is inconsistent with General Plan Policy 6 of the Circulation Element requiring an LOS of D or better.

b. *Program 14.A. The Public Works Department shall prioritize the need for bridges listed in this Element, develop preliminary cost estimates, identify and pursue sources of funding, including developer funding for each facility.*

c. *Program 14.B. All new development proposals shall pay their fair share of bridge construction needed to serve their project.*

Fair-share payment for improvements for impacted roads, particularly the Sunset Bridge at Pershing Creek is not provided as part of the Project. The Project is inconsistent with this provision requiring fair-share payments for bridges.

d. Program 28.A. The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.

The 2010 Parks & Recreation Master Plan identifies an equestrian trail and urban trail loop which are not incorporated into the Project. The amendment is inconsistent with Circulation Element Program 28.A.

For the above reasons, this finding cannot be made.

Finding B: That the proposed amendment would not be detrimental to the public Interest, health, safety, convenience, or welfare of the City.

Findings of Fact: As described in the EIR, the proposed Amendment will result in significant and unavoidable impacts on the environment, including the degradation of air quality and increases in noise and greenhouse gas emissions as a result of the Project, due to the anticipated 1,850 truck trips on Sunset Avenue as well as within the project boundary. As a result, the proposed amendment to the General Plan would be detrimental to the public interest, health, safety, convenience and welfare.

The City has designated certain streets for use by commercial vehicles (in excess of 10,000 pounds) to protect the public health, safety and welfare from potential effects and impacts of commercial trucks (Resolution 2005-091), such streets being designated as Sunset Ave north of Lincoln St, and Lincoln St east of Sunset Ave. However, the amendment to the General Plan would introduce commercial trucks on area roadways that are not designated for use by commercial vehicles in excess of 10,000 pounds. Consequently, the amendment is inconsistent with Resolution 2005-091 and would be detrimental to the public health, safety and welfare.

For the above reasons, this finding cannot be made.

Finding C: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: The General Plan designates 940 acres for Industrial uses, which was deemed adequate for a balance of land uses (Economic Development Element, III-31). The amendment would increase the amount of land designated for Industrial land use by approximately 390 acres, which is a 40% increase from the balanced condition anticipated by the 2006 General Plan. Further, the amendment would alter the distribution and diversity of planned residential uses by consolidating areas currently planned for a variety of densities onto a much smaller site at substantially higher density. These actions create an imbalance of land uses in the General Plan and disrupt the residential density ranges anticipated and desired in the City. Consequently, the proposed amendment

would not maintain the appropriate balance of land uses within the City. This finding cannot be made.

Finding D: The subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The amendment and proposed Project would introduce commercial truck traffic to the adjacent streets, including Sunset Avenue, conflicting with established and planned residential neighborhoods. The additional truck traffic will utilize the I-10 / Sunset Avenue interchange as the sole access point to the I-10 freeway; however, this interchange is not physically suited for the type and volume of traffic anticipated by the amendment and Project. The Project conflicts with multiple fundamental provisions of the adopted General Plan and related City policies and programs. These conflicts arise primarily due to the truck-intensive nature of the proposed industrial uses and proximity to established and future neighborhoods. Therefore, the subject parcels are not suitable for the requested land use designation and land use development due to incompatibility with the surrounding land uses and due to site access, which requires substantial volumes of truck traffic passing by existing and planned residential neighborhoods and use of a single freeway interchange that is not physically suited to use by substantial volumes of heavy trucks. This finding cannot be made.

SECTION 3. FINDINGS FOR AMENDMENT TO TITLE 17 (ZONING):

Per Section 17.116.040, and per the Planning Commission's recommendation, the City Council finds and determines that Zone Change, Case No. ZC 20-3502, be denied because at least one of the following required findings cannot be met in the affirmative for the following reasons:

Finding A: The proposed amendment is consistent with the goals and policies of the General Plan.

Findings of Fact: The Zone Change amends the zoning to allow the Sunset Crossroads Specific Plan. The Specific Plan proposes 392 acres of Industrial land uses, which is inconsistent with the existing General Plan. The Land Use Plan of the General Plan currently identifies the property as a combination of residential uses (Low Density Residential, Medium Density Residential and High Density Residential), commercial (General Commercial), and open space uses (Open Space-Resources and Open Space-Parks), which are inconsistent with the proposed Specific Plan zone change. Further, the Planning Commission and City Council considered re-designating the allowable land uses for the site to conform to the proposed Specific Plan, but has found that request is inconsistent with the required findings for approval for the reasons stated in Section 3, above. Consequently, the proposed zone change/amendment is inconsistent with the General Plan, including goals and policies identified in Section 3 of this Resolution. This finding cannot be made.

Finding B: The proposed Amendment is internally consistent with the Zoning Ordinance.

Finding C: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: Per the Planning Commission recommendation, the City Council considered the EIR and determined the project result will result in significant and unavoidable impacts to the environment, including the degradation of air quality and increases in noise and greenhouse gas emissions as described in the EIR. In their review of these impacts, the City Council rejects certification of the EIR, as detailed in Section 2, above.

SECTION 4. FINDINGS FOR SPECIFIC PLAN:

BZO Section 17.96.050 requires that four findings be met to justify approval of a Specific Plan application. The City Council finds and determines that Specific Plan, Case No. SP 20-2002, be denied because at least one of the following required findings cannot be met in the affirmative for the following reasons:

Finding A: The proposed plan is consistent with the General Plan.

Finding of Fact: The Specific Plan proposes 392 acres of Industrial land uses, which is inconsistent with the existing General Plan. The Land Use Plan of the General Plan currently identifies the property as a combination of residential uses (Low Density Residential, Medium Density Residential and High Density Residential), commercial (General Commercial), and open space uses (Open Space-Resources and Open Space-Parks), which are inconsistent with the proposed Specific Plan. Further, the Planning Commission and City Council considered re-designating the allowable land uses for the site to conform to the proposed Specific Plan, but has found that request inconsistent with the required findings for approval for the reasons stated in Section 3 of this Resolution. Consequently, the proposed Specific Plan is inconsistent with the General Plan, including goals and policies identified in Section 3 of this resolution.

Finding B: The proposed plan would not be detrimental to the environment, or to the public interest, health, safety, convenience, or welfare of the City;

Finding C: The subject property is physically suitable for the requested land use designation(s) and the anticipated development(s);

Finding D: The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood.

SECTION 5. FINDINGS FOR TENTATIVE PARCEL MAP 38118:

Pursuant to Section 66474 of the Subdivision Map Act, there are seven findings that must be met to justify approval of a Tentative Map application. The City Council finds and has determined that Tentative Parcel Map, Case No. TPM 38118, be denied because at least one of the following required findings cannot be met in the affirmative for the following reasons:

Finding A: The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

Findings of Fact: The Tentative Parcel Map proposes subdividing 392 acres of land for the purposes of Industrial land uses, which is inconsistent with the existing General Plan. The Land Use Plan of the General Plan currently identifies the property as a combination of residential uses (Low Density Residential, Medium Density Residential and High Density Residential), commercial (General Commercial), and open space uses (Open Space-Resources and Open Space-Parks), which are inconsistent with the proposed Tentative Parcel Map. Further, the Planning Commission and City Council considered re-designating the allowable land uses for the site to conform to the proposed Specific Plan, but has found that request inconsistent with the required findings for approval as provided in Section 3 of this Resolution. Consequently, the proposed Tentative Parcel Map is inconsistent with the General Plan, including goals and policies identified in Section 3 of this Resolution.

Finding B: The design and improvements of the proposed Tentative Parcel Map is consistent with the zone in which the property is located.

Finding C: The site is physically suited for this type of development.

Finding D: The subject site is physically suitable for the proposed density of development.

Finding E: 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.

Finding F: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Finding G: The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

SECTION 6. FINDINGS FOR DEVELOPMENT AGREEMENT:

BZO Section 17.60.030 provides in pertinent part that a Development Agreement is a legislative act, that two findings be met to justify approval of a Development Agreement application, and that it be consistent with Article 25 of Chapter 4 of Division I of Title 7 (Commencing with Section 65864) of the California Government Code. The City Council finds and has determined that the Development Agreement be denied because of information contained in the record and because at least one of the required findings cannot be met in the affirmative for the following reasons:

Finding A: The Development Agreement is consistent with the General Plan, any applicable Specific Plans, and the Zoning Ordinance.

Findings of Fact: The Development Agreement proposes establishing 392 acres of Industrial land uses, which is inconsistent with the existing General Plan. The Land Use

Plan of the General Plan currently identifies the property as a combination of residential uses (Low Density Residential, Medium Density Residential and High Density Residential), commercial (General Commercial), and open space uses (Open Space-Resources and Open Space-Parks), which are inconsistent with the proposed Development Agreement. Further, the Planning Commission and City Council considered re-designating the allowable land uses for the site to conform to the proposed Project, but has found that request inconsistent with the required findings for approval as provided in Section 3 of this Resolution. Consequently, the proposed Development Agreement is inconsistent with the General Plan, including goals and policies identified in Section 3 of this Resolution.

Finding B: The proposed Development Agreement would promote the welfare and the interest of the City.

SECTION 3. DENIAL

The City Council hereby affirms the Planning Commission's recommendation and DENIES Specific Plan 20-2002, General Plan Amendment (GPA) 20-2501, Zone Change (ZC) 20-3502, Tentative Parcel Map (TPM) 38118, and the associated Development Agreement and rejects the certification of the EIR SCH No. 2021020011, including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

SECTION 4. CERTIFICATION

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

PASSED, APPROVED AND ADOPTED this 28th day of January 2026

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

LEGAL AS TO FORM

John Pinkney, City Attorney
SBMEP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-27, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 28th day of January, 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

RESOLUTION 2026-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (EIR SCH NO. 2021020011) INCLUDING RELATED FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") FOR THE NP BANNING INDUSTRIAL LLC INDUSTRIAL AND COMMERCIAL DEVELOPMENT PROJECT INVOLVING, GENERAL PLAN AMENDMENT NO. 20-2501, ZONE CHANGE 20-3502, SPECIFIC PLAN NO. 20-2002, TENTATIVE PARCEL MAP NO. 38118, AND A DEVELOPMENT AGREEMENT, ON A 533.8 ACRE PROJECT SITE LOCATED SOUTH OF I-10 AND THE UNION PACIFIC RAILROAD AND WEST OF SUNSET AVENUE AND INCLUDING A PROGRAMMATIC ANALYSIS OF GENERAL PLAN AMENDMENT (GPA) 22-2502, AND ZONE CHANGE (ZC) 22-3502 IN CONNECTION WITH A TRANSFER OF RESIDENTIAL DENSITY ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WESTWARD AND SUNSET AVENUES.

WHEREAS, NP Banning Industrial, LLC has filed an application for General Plan Amendment (GPA) 20-2501, Zone Change (ZC) 20-3502, Specific Plan 20-2002, Tentative Parcel Map (TPM) 38118, and a Development Agreement with the City of Banning (collectively, the "Project"), for the development of industrial and commercial uses on approximately 533.8 acres of real property located in the City of Banning and the County of Riverside south of I-10 and the Union Pacific Railroad, and west of Sunset Avenue with 253.7 acres of this property located in unincorporated Riverside County in the City's southerly sphere of influence. The property is comprised of assessor's parcel numbers (APNS): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036 and more specifically described on Exhibit A attached hereto and incorporated herein by this reference ("Project site"); and

WHEREAS, concurrently with consideration of the Project, the City is considering General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site") to ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, pursuant to Sections 17.60.030, 17.64.060, 17.96.050, 17.116.040 and 16.14.050.A of the Banning Municipal Code, the City Council has the authority to review and approve or conditionally approve the subject applications GPA 20-2501, ZC

20-3502, SP 20-2002, TPM 38118, a DA between NP Banning Industrial, LLC and EA 20-1506 (SCH# 2021020011); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(1) and 15378, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the Project and an Initial Study was not necessary. A Notice of Preparation (NOP) was subsequently completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comments on the Project's potential impact(s) on the environment; and

WHEREAS, the State of California Clearinghouse issued a project number (SCH No. 2021020011) for an EIR evaluating the Project and the concurrent entitlement of the MSJC Site to accommodate State law required transfer of residential density from the Project site. The NOP 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021, via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021, providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Project includes a General Plan Amendment and a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) was conducted. On November 30, 2020, the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Project with all correspondence received indicated that their respective tribal groups did not have any responses or that no specific archival information at the Development Site indicated that it may be a sacred site or other site of Native American traditional cultural value; and

WHEREAS, the City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC site entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site

is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024, and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023, to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project (the DEIR and Final EIR, collectively, "FEIR"); and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025, the City provided public notice by advertisement in the Record Gazette newspaper of a public hearing at a September 10, 2025 Planning Commission special meeting convened to consider the Project and to recommend that the City Council adopt a Final Environmental Impact Report, inclusive of the Draft EIR ("FEIR") for the Project. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, at the September 10, 2025 special meeting the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project. At the conclusion of the hearing, the Planning Commission voted 2 in support and 3 opposed to adopt the draft resolution recommending approval, resulting in a failed motion; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025, the City provided notice by advertisement in the Record Gazette newspaper of continuation of the September 10, 2025 Planning Commission special meeting to the regular meeting of the Planning Commission on November 5, 2025 to continue deliberations and make recommendations to the City Council regarding the Project entitlements. including the FEIR. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, the City supplemented the FEIR with a Sunset Crossroads Project—Supplemental CEQA Memorandum prepared by Urban Crossroads, Inc. dated October 23, 2025 ("Initial Supplemental CEQA Memorandum") to address revisions to the Project described therein; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, at the November 5, 2025 regular meeting, the Planning Commission considered any new information received on the Project and voted 3 in support and 2 opposed to not re-open the public hearing, in accordance with the City of Banning's Manual of Procedural Guidelines, Section 7.3(e), before continuing its deliberation and considering the entirety of the record for the Project; and

WHEREAS, at the November 5, 2025 regular meeting, the Planning Commission by a vote of 3 in support and 2 opposed as to the Project and 5 in support and none opposed as to the MSJC Site density transfer, instructed staff to prepare resolutions making findings supporting a denial recommendation to the City Council of the projects and rejection of the certification of the FEIR and continued the matters to November 17, 2025; and

WHEREAS, at a November 17, 2025 special meeting, the Planning Commission voted 3 in support and 2 opposed to adopt Resolution No. 2025-15 recommending the City Council deny Project applications and rejecting the certification of the FEIR, and voted 5 in support and none opposed to adopt Resolution No. 2025-16 recommending the City Council deny applications with respect to the MSJC Site entitlements, each including related findings, and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the Project site; and

WHEREAS, at the January 28, 2026 special meeting, the City Council held a public hearing, commenced deliberation and voted 5-0 to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, the City further supplemented the FEIR with a Sunset Crossroads Project—Modified Project V2.1 Trip Generation Assessment prepared by Urban Crossroads, Inc. dated February 20, 2026 (collectively with the Initial Supplemental CEQA Memorandum, the "Supplemental CEQA Memoranda") to address further reductions in Project industrial square footage and related traffic impacts; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the FEIR as supplemented by the Supplemental CEQA Memoranda, which are sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the modifications the Project identified in the Supplemental CEQA Memoranda and the Development Agreement do not increase the environmental impacts of the Project and do not meet any of the criteria set forth in Section 15088.5 of the State CEQA Guidelines requiring recirculation and therefore the FEIR does not need to be recirculated prior to its certification; and

WHEREAS, the Project reduces environmental impacts by incorporating the reduction in industrial uses generally as contemplated by Alternative 4, the Reduced Industrial Alternative, which was identified as the Environmentally Superior Alternative in the FEIR, including by (1) eliminating the extension of Lincoln Street over the Smith Creek drainage, buildout of Highland Home Road north of Sun Lakes Boulevard and the related fire road access and (2) eliminating Industrial buildings in Planning Areas 2, 3, 7, 8 and 9 and all cold-storage uses, thereby reducing overall Industrial square footage to a maximum of 4,749,000 square feet, which is an even greater reduction in square footage and elimination of more buildings than considered in Alternative 4. The Project also modifies and reduces impacts to the Commercial land uses by removing construction of the truck fueling operation, modifying the mix of commercial uses, and reducing the maximum commercial square footage to approximately 223,753 square feet, including up to 200,000 square feet discount club use, plus 125 hotel rooms; and

WHEREAS, the City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, concurrently with adoption of this Resolution, certified the FEIR as supplemented by the Supplemental CEQA Memoranda and adopted Findings and Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program and determined that the FEIR as so supplemented sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects while feasibly attaining most of the basic objectives of the Project in accordance with CEQA and the State CEQA Guidelines, and has determined that the General Plan Amendment and Specific Plan have been fully analyzed per CEQA under the FEIR as so supplemented and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution and in the accompanying staff report, are based on the facts, analysis and conclusions in the FEIR as supplemented by the Supplemental CEQA Memoranda, all of which are incorporated herein by this reference, and the oral and written evidence presented to it as a whole, and not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts which the City finds are less than significant and do not require mitigation are described in the FEIR and Supplemental CEQA Memoranda; and

WHEREAS, environmental impacts that are potentially significant but which the City finds can be mitigated to a level of less than significant through the imposition of feasible Mitigation Measures are identified in the FEIR and the Supplemental CEQA Memoranda; and

WHEREAS, certain environmental impacts that are potentially significant and the City finds cannot be fully mitigated to a level of less than significant despite the imposition of all feasible Mitigation Measures are identified in the FEIR and the Supplemental CEQA Memoranda; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant

environmental impacts are described in the FEIR; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the FEIR, the Findings and Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, the Supplemental CEQA Memoranda, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the FEIR, the Supplemental CEQA Memoranda, the Findings and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program reflect the independent judgment of the City Council and are deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City or any additional information submitted to the City following publication of the FEIR have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines section 15088.5 and do not change the findings and conclusions in the Final EIR, the Supplemental CEQA Memoranda, the Findings or the Statement of Overriding Considerations; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find and order as follows:

SECTION 1. RECITALS.
The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. ENVIRONMENTAL DETERMINATION.

A. 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 prepared an Environmental Impact Report evaluating the potential environmental effects of the Sunset Crossroads development project, and a programmatic analysis of the proposed MSJC entitlements.

B. Thereafter, City Staff provided public notice of completion of a DEIR and establishing the 45-day public review and comment period as required by law. The public comment period began on December 15, 2023, and expired on January 30, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website. The City received 54 comment letters during the public review period.

C. The City Council has reviewed the Final EIR, inclusive of the Draft EIR, and the Supplemental CEQA Memoranda, which are on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the FEIR. In light of the whole record, the City Council determines and finds that: (1) the FEIR as supplemented by the Supplemental CEQA Memoranda was prepared in compliance with CEQA; (2) where the Final EIR as supplemented by the

Supplemental CEQA Memoranda determines that impacts cannot be mitigated to less than significant for the Project, the City Council has carefully considered and balanced the benefits of the Project against its unavoidable environmental risk and determined that the benefits outweigh the unavoidable adverse environmental effects and that the adverse environmental effects may be considered acceptable as further set forth in the Statement of Overriding Considerations, (3) except as set forth in the FEIR, Supplemental CEQA Memoranda and the Findings and Statement of Overriding Considerations, with the incorporation of mitigation measures, there is no substantial evidence that the Sunset Crossroads Specific Plan and MSJC density transfer entitlements will have a significant effect on the environment; and (3) the FEIR reflects the independent judgement and analysis of the City Council.

D. Based on the findings set forth in this Resolution and the whole of the administrative record in this matter, the City Council CERTIFIES the Sunset Crossroads FEIR as supplemented by the Supplemental CEQA Memoranda, and adopts the related CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project, which are hereby incorporated into this Resolution.

SECTION 3. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):
The Sunset Crossroads Project site and the MSJC Site are located outside of MSHCP criteria cell areas and plan compliance is provided through payment of the MSHCP Mitigation Fee at the time of building permit issuance.

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

PASSED, APPROVED AND ADOPTED this 26th day of February, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City Attorney
SBEMP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-28, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February, 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

RESOLUTION 2026-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CA, APPROVING THE SUNSET CROSSROADS GENERAL PLAN AMENDMENT NO. 20-2501 AND SPECIFIC PLAN NO. 20-2002 FOR THE DEVELOPMENT OF INDUSTRIAL AND COMMERCIAL USES ON A 533.8-ACRE PROJECT SITE LOCATED SOUTH OF I-10 AND THE UNION PACIFIC RAILROAD, AND WEST OF SUNSET AVENUE (ASSESSOR'S PARCEL NUMBERS (APNS): 537-110-003 THROUGH -005, 537-110-011 THROUGH -014, 537-120-013, 537-120-025, AND 537-120-028 THROUGH -036), INCLUDING 253.7 ACRES LOCATED IN UNINCORPORATED RIVERSIDE COUNTY AND THE CITY'S SOUTHERLY SPHERE OF INFLUENCE.

WHEREAS, NP Banning Industrial, LLC has filed an application for Specific Plan 20-2002, General Plan Amendment (GPA) 20-2501, Zone Change (ZC) 20-3502, Tentative Parcel Map (TPM) 38118, and a Development Agreement with the City of Banning (collectively, the "Project"), for the development of industrial and commercial uses on approximately 533.8-acres of real property located in the City of Banning and the County of Riverside south of I-10 and the Union Pacific Railroad, and west of Sunset Avenue with 253.7 acres of this property located in unincorporated Riverside County in the City's southerly sphere of influence. The property is comprised of assessor's parcel numbers (APNS): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036 and more specifically described on Exhibit A attached hereto and incorporated herein by this reference ("Project Site"); and

WHEREAS, concurrently with consideration of the Project, the City is separately and independently considering General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels of land that are not part of the Project Site from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR) (collectively the "MSJC Site Entitlements"), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site") to ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, pursuant to Section 17.64.060 of the Banning Municipal Code, the City Council has the authority to review and approve or conditionally approve the subject applications GPA 20-2501 and the related CEQA documents (SCH# 2021020011); and

WHEREAS, pursuant to Article 8 of Chapter 3 of Division 1 of Title 7 of the California Government Code ("Specific Plan Statute") and Section 17.94.050 of the

Banning Municipal Code, the City Council has the authority to review and approve or conditionally approve the subject application SP 20-2002; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(1) and 15378, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the Project, and an Initial Study was not necessary. A Notice of Preparation (NOP) was subsequently completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comments on the Project's potential impact(s) on the environment; and

WHEREAS, the State of California Clearinghouse issued a project number (SCH No. 2021020011) for an EIR evaluating the Project subject to City Council approval of the proposed MSJC Site Entitlements to accommodate State law required transfer of residential density from the Project site. The NOP 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021, via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021, providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Project includes a General Plan Amendment and a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) was conducted. On November 30, 2020, the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Project with all correspondence received indicated that their respective tribal groups did not have any responses or that no specific archival information at the Project Site indicated that it may be a sacred site or other site of Native American traditional cultural value.; and

WHEREAS, the City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement

actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC Site Entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC Site Entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to, responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024, and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023 to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project (the DEIR and Final EIR, collectively, "FEIR"); and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025, the City provided public notice by advertisement in the Record Gazette newspaper of a public hearing at a September 10, 2025 Planning Commission special meeting convened to consider the Project. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary. In accordance with Government Code Sections 65353 and 65855, at the September 10, 2025 special meeting the Planning Commission held a public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project. At the conclusion of the hearing, the Planning Commission voted 2 in support and 3 opposed to adopt the draft resolution recommending approval, resulting in a failed motion; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025, the City provided notice by advertisement in the Record

Gazette newspaper of continuation of the September 10, 2025 Planning Commission special meeting to the regular meeting of the Planning Commission on November 5, 2025 to continue deliberations and make recommendations to the City Council regarding the Project entitlements, including the FEIR. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, the City supplemented the FEIR with a Sunset Crossroads Project—Supplemental CEQA Memorandum prepared by Urban Crossroads, Inc. dated October 23, 2025 ("Initial Supplemental CEQA Memorandum") to address revisions to the Project described therein; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, at the November 5, 2025 regular meeting, the Planning Commission considered any new information received on the Project and voted 3 in support and 2 opposed to not re-open the public hearing, in accordance with the City of Banning's Manual of Procedural Guidelines, Section 7.3(e), before continuing its deliberation and considering the entirety of the record for the Project; and

WHEREAS, at the November 5, 2025 regular meeting, the Planning Commission by a vote of 3 in support and 2 opposed as to the Project and 5 in support and none opposed as to the MSJC Site Entitlements, instructed staff to prepare resolutions making findings supporting a recommendation of denial to the City Council of the Project and the MSJC Site Entitlements and rejection of the certification of the FEIR and continued the matters to a special meeting on November 17, 2025; and

WHEREAS, at a November 17, 2025 special meeting, the Planning Commission voted 3 in support and 2 opposed to adopt Resolution No. 2025-15 recommending the City Council deny Project applications and rejecting the certification of the FEIR, and voted 5 in support and none opposed to adopt Resolution No. 2025-16 recommending the City Council deny applications with respect to the MSJC Site Entitlements, each including related findings, and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the Project site; and

WHEREAS, at the January 28, 2026 special meeting, the City Council held a public hearing, commenced deliberation and voted 5-0 to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, the City further supplemented the FEIR with a Sunset Crossroads Project—Modified Project V2.1 Trip Generation Assessment prepared by Urban Crossroads, Inc. dated February 20, 2026 (collectively with the Initial Supplemental CEQA Memorandum, the "Supplemental CEQA Memoranda") to address further reductions in Project industrial square footage and related traffic impacts; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed General Plan Amendment and zone change, Sunset Crossroads Specific Plan, Development Agreement, Parcel Map and supporting materials, and public testimony and finds the Project in conformance with the requirements of the Banning Municipal Code and the City's General Plan; and

WHEREAS, adoption of General Plan Amendment 20-2501 and Specific Plan 20-2002 would result in designation of the Project site in the City of Banning Official General Plan Map as "Specific Plan - Sunset Crossroads" and would provide General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R) land uses as depicted on Figure 2.1 of the Specific Plan. 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; and

WHEREAS, the Project reduces environmental impacts by incorporating the reduction in industrial uses generally as contemplated by Alternative 4, the Reduced Industrial Alternative, which was identified as the Environmentally Superior Alternative in the FEIR, including by (1) eliminating the extension of Lincoln Street over the Smith Creek drainage, buildout of Highland Home Road north of Sun Lakes Boulevard and the related fire road access and (2) eliminating Industrial buildings in Planning Areas 2, 3, 7, 8 and 9 and all cold-storage uses, thereby reducing overall Industrial square footage to a maximum of 4,749,000 square feet, which is an even greater reduction in square footage and elimination of more buildings than considered in Alternative 4. The Project also modifies and reduces impacts to the Commercial land uses by removing construction of the truck fueling operation, modifying the mix of commercial uses, and reducing the maximum commercial square footage to 223,753 square feet, including up to 200,000 square feet of discount club use, plus a 125 room hotel; and

WHEREAS, the City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, concurrently with adoption of this Resolution pursuant to adoption of Resolution 2026-28, certified the FEIR as supplemented by the Supplemental CEQA Memoranda and adopted Findings and Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program and determined that the FEIR as so supplemented sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects while feasibly attaining most of the basic objectives of the Project in accordance with CEQA and the State CEQA Guidelines, and has determined that the General Plan Amendment and Specific Plan have been fully analyzed per CEQA under the FEIR as so supplemented and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution and in the accompanying staff report, are based on the facts, analysis

and conclusions in the FEIR as supplemented by the Supplemental CEQA Memoranda, all of which are incorporated herein by this reference, and the oral and written evidence presented to it as a whole, and not based solely on the information provided in this Resolution; and

WHEREAS, the City concurrently with adoption of this Resolution is adopting Ordinance 1618 approving Zone Change Case No. 20-2502, and Ordinance 1620 approving a Development Agreement for the Project ("Development Agreement") and it is the intent of the City that the General Plan Amendment and Specific Plan become effective concurrently with the effective date of the Development Agreement Ordinance and Zone Change;

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. RECITALS:

The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. FINDINGS FOR GENERAL PLAN AMENDMENT:

Section 17.64.070 of the Banning Municipal Code (BMC) requires that a General Plan Amendment may be adopted only if the four findings specified there are made. The Planning Commission did not recommend that the City Council could find and determine that the General Plan Amendment be approved. As it is authorized to do pursuant to Section 17.64.060 of the Banning Municipal Code, the City Council nonetheless finds and determines that General Plan Amendment, Case No. GPA 20-2501 can be approved because the following required findings can all be met in the affirmative:

Finding A: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: California Government Code Section 65302 requires that a General Plan consist of seven (7) State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The Land Use Element is one of the seven State-mandated elements of the General Plan and includes the Land Use Map for the City of Banning. The General Plan Land Use map and the Zoning map are 100% consistent with one another and, therefore, the same map doubles to serve both purposes. The Project will not create an incompatible land use as discussed in Table 4.11.A: Project Consistency Analysis with the City of Banning General Plan, found in the Draft EIR. This Table evaluates how the Project is internally consistent with each element of the General Plan. The Project is also consistent for the following reasons with the goals and policies of the General Plan:

- Land Use Residential Goal 1 and Residential Policy 2 regarding compatibility with adjacent residential neighborhoods because the FEIR, as supplemented by the

Supplemental CEQA Memoranda, analyzed and did not identify any significant localized air quality impact, health risk, noise impacts, or greenhouse gases from Project operations or Project truck and auto traffic along Sunset Avenue or other streets adjoining residential use and the FEIR found no significant visual impacts. The buildings are spread over 530 acres and the FEIR's visual analyses of the impacts of the building sizes found no significant impact because of their height or mass. The additional buffering provided by the proposed modified Project described in the Supplemental CEQA Memoranda further lessens visual impacts.

- Land Use Element Policy 1 requiring the City to maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands and Land Use Element Commercial and Industrial Policy 7 requiring the land use map to contain sufficient land for industrial uses including warehousing and distribution while carefully considering compatibility with adjacent lands. Since adoption of the 2006 General Plan, residential development has outpaced commercial and industrial development resulting in a jobs-housing ratio that is skewed toward residential development, creating a current need for more industrial and commercial development that the Project addresses while considering compatibility with adjacent lands and reducing impacts through adoption of the Mitigation Monitoring and Reporting Plan and project design features adopted as part of the Project;
- Land Use Element Industrial Goal requiring a balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents because the industrial uses proposed are not manufacturing or polluting industries, non-mobile impacts are not a significant source of pollution and the Project would provide a significant number of local jobs for City residents;
- Land Use Element Commercial and Industrial Policy 8, because the Project's industrial uses are located on major roadways with good access to Interstate 10 minimizing impacts from truck traffic, Sunset Avenue, which provides a direct route to Interstate 10 was designated as an arterial/secondary highway in the 2013 General Plan Circulation Element and the General Plan indicates that arterial/secondary highways are appropriate for truck traffic. The design and width of Sunset Avenue provides more than sufficient capacity for Project vehicles and City projected traffic increases. The Project also incorporates appropriate traffic planning including a truck route management plan to minimize impacts on adjacent residential neighborhoods and limit truck traffic to streets allowing such use under the General Plan
- Circulation Element Policy 6 in that the LOS D or better is maintained at all studied local intersections with the Project. The Project includes requirements that the developer dedicate land for right of way, widen roadways, provide other infrastructure and pay transportation fees.
- The General Plan's City Wide Goals, Policies, and Programs and Policy 1, Economic Development Element Program 1.A which require the City to report on and maintain a balance of residential, commercial and industrial lands, by authorizing additional industrial and commercial land use on a large acreage

within the City to balance the large scale residential buildout being undertaken elsewhere in the City,

- Economic Element Policy 2 requiring the City to recruit new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues by providing the opportunity for new revenue and job creating businesses to operate in the City providing approximately 3,500 construction jobs and over 4,000 permanent local jobs and ensuring land area is made available for uses that generate revenue to the City through tax dollars and other means to support the fiscal needs of the City.

Finding B: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed General Plan Land Use Map Amendment and Zone Change will allow for the orderly development of the Project, strengthening City economic development and job opportunities, while not damaging the public interest, health, safety, convenience, or welfare of the City. As set forth in the FEIR certified by the City Council, as supplemented by the Supplemental CEQA Memoranda, the related CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program adopted by the City Council in Resolution 2026-28:

- the adverse significant environmental effects of the Project would be reduced to the extent feasible by incorporation of project design features, required regulatory measures and adopting the mitigation measures identified in the Mitigation Monitoring and Reporting Program;
- construction noise impacts can be mitigated to less than significant with the consent of the City;
- impacts that were found not to be mitigated to less than significant are comprised of regional impacts related to air quality and greenhouse gas emissions and not local air quality and health impacts, which are found to be less than significant; and
- all significant and unavoidable impacts of the Project are outweighed as set forth in the Statement of Overriding Considerations by the social, economic and other benefits of the Project including the extensive public benefits to the City such as 12.6 acres of public parks, $5.1 million for the construction of Sun Lakes Boulevard, construction of general plan roadways at no cost to the City, creation of 3,500 construction jobs and over 4,000 permanent local jobs that will be available for Banning residents, land and $16 million toward the potential future development of a fire station, $1 million annually for a special facilities tax, a $7.2 million public benefit fee, $10 million toward the Banning Electric substation cost, $750,000 to be used for Banning downtown beautification or small business assistance for small businesses located in Banning, and 13 acres for public facilities as set forth in the Development Agreement, and render those potential significant impacts acceptable.

Finding C: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: Table III-3, of the Community Development Chapter of the City's General Plan details that 252.1 acres of vacant land is designated as General Commercial, and 274.1 acres of vacant land is designated as Industrial. The Project will continue to retain vacant General Commercial land by preserving 47.9 acres for commercial uses, and will increase the amount of vacant Industrial land by 392 acres, which provides a statistically significant positive change in the balance of vacant non-residential land uses within the City. A transfer of the residential density from the Project site to the MSJC Site to comply with State law and General Plan Housing Element goals and programs will transfer that density within the City, resulting in no net loss of residential density, and will be consistent with General Plan Housing Element goals and programs which require the City to create very high density zoning with a range of 24-30 du/acre and to facilitate RHNA increases in multifamily, high density residential sites (p. 67, and Program 4 at pp. 87-88) for the City. As such, the balance of land use designations will not be negatively impacted by the Project.

Finding D: The amendment is physically suitable for the surrounding environment; including, but not limited to site access, the provision of utilities, and compatibility with adjoining land uses, including the absence of any physical constraints, for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The Project site is physically suitable for the surrounding environment. The Project site is undeveloped, has appropriate access to major roadways, including Sunset Avenue which will be expanded to full City design standards providing direct access to Interstate 10 and conservation as open space of drainages and adjoining land throughout the Project site. The Project underwent geotechnical, hydrology, and environmental analyses that confirmed suitability for the scale and type of development. The proposed Specific Plan establishes design guidelines and standards, incorporating landscaping, architectural standards, buffers, and traffic planning and providing transitions in use, intensity and design to surrounding lands to ensure compatibility with adjoining land uses. A Plan of Services and a Water Supply Assessment prepared for the Project indicates that site access and infrastructure for utility conveyances are available and provisions for service have been planned. The Project will implement Policy 8 of the Community Development Chapter of the General Plan, which requires that the City assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44). The Project will implement Program 4.B, which "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

SECTION 3. FINDINGS FOR SPECIFIC PLAN:

Section 17.96.060 of the Banning Municipal Code requires that a Specific Plan may be adopted only if the four findings specified there are made. The Planning Commission did not recommend that the City Council could find and determine that the Specific Plan be adopted. As it is authorized to do pursuant to Section 17.96.050 of the Banning Municipal Code the City Council nonetheless finds and determines that General Plan Amendment, Case No. GPA 20-2501, and the Specific Plan, Case No. 20-2002, can be approved because the following required findings can all be met in the affirmative:

Finding A: The proposed plan is consistent with the General Plan;

Finding of Fact: The Specific Plan is consistent with the proposed General Plan amendment. It is also consistent with the City's General Plan by allowing additional economic growth opportunities, while balancing land use, circulation, and economic development with the corresponding general plan amendment and zoning amendment to establish the use at the Project site. The Specific Plan supports development and job creation as outlined in the General Plan goals and policies and aligns with policies related to walkability, infrastructure upgrades, and community amenities. The transfer of residential capacity to an off-site location adjacent to a higher-education campus is required by State law and consistent with General Plan Housing Element goals and Programs 4 which require the City to create very high density zoning with a range of 24-30 du/acre.

Finding B: The proposed plan would not be detrimental to the environment, or to the public interest, health, safety, convenience, or welfare of the City;

Finding of Fact: The Environmental Impact Report (EIR) prepared for the Project identifies potentially significant impacts but includes mitigation measures to reduce impacts to less than significant where feasible. The only impacts that cannot be mitigated to less than significant are regional air quality impacts, greenhouse gas emissions, and construction noise impacts. Local air quality and health impacts are less than significant, and construction noise impacts can be mitigated to less than significant with the consent of the City. As for the three impacts that remain significant , the Project provides extensive public benefits to the City which include 12.6 acres of public parks, $5.1 million for the construction of Sun Lakes Boulevard, construct general plan roadways at no cost to the City, 3500 construction jobs and over 4,000 permanent local jobs for Banning residents, land and $16 million toward the potential future development of a fire station, $1 million annually for a special facilities tax, a $7.2 million public benefit fee, $10 million toward the Banning Electric substation cost, $750,000 to be used for Banning downtown beautification or small business assistance for small businesses located in Banning, and 13 acres for public facilities and other long-term economic and community benefits set forth in the Statement of Overriding Considerations. Therefore, the City determined that, with mitigation and overriding considerations, the plan will not be detrimental to the environment or public interest, health, safety, or welfare. Additionally, consistent with

state law requirements, the proposed Specific Plan describes a comprehensive plan for land use, circulation and infrastructure to ensure the plan accommodates necessary utilities and services to protect the public interest, health safety, convenience and welfare.

Finding C: The subject property is physically suitable for the requested land use designation(s) and the anticipated development(s);

Finding of Fact: The Project Site is physically suitable for the intended land uses. It is undeveloped, has appropriate access to major roadways, including Sunset Avenue which will be expanded to full City design standards providing direct access to Interstate 10, and conservation as open space of drainages and adjoining land throughout the Project site. The Project Site underwent geotechnical, hydrology, and environmental analyses that confirmed suitability for the scale and type of development. The proposed Specific Plan establishes design guidelines and standards, incorporating landscaping, architectural standards, buffers, and traffic planning, providing transitions in use intensity and design to surrounding lands to ensure compatibility and that the Project will be served by necessary infrastructure improvements (e.g., sewer, water, traffic).

Finding D: The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood.

Finding of Fact: The Project design reflects a desirable and compatible character with adjacent uses which include residential, commercial, and institutional land uses. The proposed Project incorporates landscaping, architectural standards, and buffers. The EIR found no significant visual impacts. The buildings are spread over 530 acres, the EIR's visual analyses of the impacts of the building sizes found no significant impact because of their height or mass. The proposed Project includes transitions in use intensity and design including additional buffering provided by the proposed modified Project to ensure compatibility. The Project also incorporates appropriate traffic planning including a truck route management plan to minimize impacts on adjacent residential neighborhoods and limit truck traffic to streets allowing such use under the General Plan. The Project includes transitions in use intensity and design to ensure compatibility.

SECTION 4. APPROVAL

The City Council Hereby Approves General Plan Amendment No. 20-2501 and directs the Community Development Director to amend the City of Banning Official General Plan Map as depicted on Exhibit B to this Resolution and incorporated herein by this reference to amend the land use designations for the Project Site from High Density Residential, Medium Density Residential, Low Density Residential, General Commercial and Open Space - Resource and Open Space - Parks to "Specific Plan – Sunset Crossroads" subject to termination of this approval as set forth in the Development Agreement if the First Installment of the Public Benefit Fee (each as defined in the Development Agreement) is not timely paid in accordance with the terms of Section 5.2.1 of said Development Agreement.

The City Council Hereby Approves Specific Plan 20-2002 attached to this Resolution as Exhibit C and incorporated herein by this reference as the same is amended by the terms of Section 3 inclusive of the Development Agreement approved by the City concurrently with approval of this Resolution pursuant to Ordinance 1620 subject to the terms and provisions of the Development Agreement. The Sunset Crossroads Specific Plan constitutes the zoning regulations for the Specific Plan area and will be established as a Specific Plan zoning district to be shown upon the City of Banning Official Zoning Map as set forth in Banning Municipal Code Section 17.96.080.

SECTION 5. CERTIFICATION

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

SECTION 6. EFFECTIVENESS

This Resolution shall become effective upon the effective date of Ordinance 1620.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City Attorney
SBEMP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-29, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February, 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

EXHIBIT A
Legal Description of Project Site

PARCEL A:

PARCELS 1 THROUGH 4, INCLUSIVE OF MAPS AND LETTERED LOTS A THROUGH J, INCLUSIVE, OF PARCEL MAP NO. 25541, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON FILE IN BOOK 166 PAGES 27 THROUGH 35, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

PARCEL B:

PARCELS 1 THROUGH 9 AND LETTERED LOTS "A" THROUGH "O", ALL INCLUSIVE OF PARCEL MAP 28971, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 198 PAGES 8 THROUGH 10 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPTING THEREFROM PARCELS 3 AND 7, THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015506 OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM PARCEL 3 ALL THAT PORTION CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED MARCH 22, 2002 AS INSTRUMENT NO. 2002-146041.

PARCEL C:

PARCELS 1 AND 2 AND LETTERED LOTS A, B, AND C OF PARCEL MAP 13521, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 83, PAGES 13 THROUGH 15, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF BANNING, A MUNICIPAL CORPORATION, BY DEED RECORDED JANUARY 15, 1998, AS INSTRUMENT NO. 98-015506, OFFICIAL RECORDS.

EXHIBIT B
Existing General Plan/Zoning Map

EXHIBIT C
Specific Plan

RESOLUTION NO. 2026-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CA, APPROVING A PLAN OF SERVICE AND ANNEXATION REQUEST AND REQUESTING THE RIVERSIDE LOCAL AGENCY FORMATION COMMISSION TO FAVORABLY CONSIDER ANNEXATION OF THE SUBJECT PROPERTY

WHEREAS, the affected territory is located on approximately 253.7 acres of land in the unincorporated area of the County of Riverside and is legally described on Exhibit A attached hereto and by this reference incorporated herein (the "Property") is in the Sphere of Influence (as such term is defined in Govt. Code Section 56076) of the City of Beaumont ("City") and is uninhabited; and

WHEREAS, the City Council of the City of Banning desires that the Riverside County Formation Commission ("LAFCO") accept the Owner's application for annexation of the Property into the City and upon completion thereof take proceedings required for the annexation of the Property pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code; and

WHEREAS, the City Council of the City of Banning concurrently with the consideration of this Resolution has adopted Resolution No. 2026-28 certifying Final Environmental Impact Report SCH No. 2021020011, inclusive of the Draft EIR ("FEIR"), and the Supplemental CEQA Memorandum dated October 23, 2025 to address revisions to the Project and the Sunset Crossroads Project—Modified Project V2.1 Trip Generation Assessment dated February 20, 2026 to address further reductions in Project industrial square footage and related traffic impacts, each prepared by Urban Crossroads, Inc. (collectively, "Supplemental CEQA Memoranda"), which together consider the City's General Plan Amendment and pre-zoning of the Property and the annexation of the Property into the City; has adopted environmental findings pursuant to the California Environmental Quality Act, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and has also adopted a General Plan Amendment, pre-zoning of the Property to Specific Plan, the Sunset Crossroads Specific Plan ("Specific Plan"), General Plan Amendment, Zone Change, a Development Agreement between the City of Banning and NP Banning Industrial LLC, and Tentative Parcel Map No. 38118 with respect to the Property and an adjoining 280.1 acres of land in the City also to be governed by the Specific Plan ("Project Entitlements"); and

WHEREAS, upon application therefor by the owner of the Property and approval by LAFCO of the application, the City desires to annex the Property into the City of Banning consistent with this Resolution; and

WHEREAS, this proposal is consistent with the sphere of influence of the City of Banning and the policies of LAFCO including to ensure the establishment of an

appropriate and logical municipal government structure for the distribution of efficient and appropriate public services, and does not affect prime agricultural land; and

WHEREAS, the Property shares a common boundary and is contiguous (as defined by Govt. Code §56031(a)) with the existing boundary of the City to the north, west, and east of the Property; and

WHEREAS, the reasons for the proposed annexation are as follows:

(i) This annexation is in the public interest, in that the Property is in the sphere of influence of the City, is contiguous to land in the City on three sides, is part of a larger Specific Plan area that includes substantial land in the City and that there will be a community benefit resulting from the amendment:
(ii) It will provide for more efficient public service;
(iii) It preserves open space within urban development patterns; and
(iv) It is compatible with surrounding land uses and is consistent with the existing industrial character of the area; and

WHEREAS, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

The annexation is subject to the provisions in the LAFCO approval.

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. RECITALS:
The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. FINDINGS FOR ANNEXATION:
Approve an Annexation based on the following findings included herein for the City Council to initiate the annexation of 253.7 acres of unincorporated property located within the City's Sphere of Influence and which is intended to be incorporated as part of the Sunset Crossroads Specific Plan development project.

Finding A: That the annexation has been considered and analyzed in accordance with CEQA as part of the Sunset Crossroads Specific Plan EIR.
Finding of Fact: The annexation area has been evaluated and analyzed in accordance with CEQA. Changes and/or alterations have been required and incorporated in the EIR to avoid or substantially lessen the significant environmental effects as identified in the EIR within both the annexation and Project Area. Where significant project impacts cannot be mitigated below a level of insignificance, a Statement of Overriding Considerations provides that the economic, social, planning and other benefits of the Project outweigh the significant and unavoidable impacts that could not be mitigated below a level of significance. Consequently, the Statement of Overriding Considerations and adoption of the Findings of Fact is required.

Finding B: The proposed annexation is consistent with the Sunset Crossroads Specific Plan development project.
Finding of Fact: The 253.7 acres of unincorporated area is an integral component of the Sunset Crossroads Specific Plan development project in that the area proposed for annexation will change land uses from High Density Residential, Very Low Density Residential, Low Density Residential, and Open Space zoning districts to industrial land uses. Moreover, the 253.7 acres interconnects the vehicle circulation through the development project site and improves surrounding roadways with circulation improvements that will make access better for existing residential uses to the south, east and west of the private site. The annexed area combines seven Planning Areas that altogether represent nearly 50% percent of the Sunset Crossroads Specific Plan.

Finding C: Adequate public utilities, infrastructure and public services will be available upon annexation of the area.
Finding of Fact: The development of major utility facilities within the Sunset Crossroads Specific Plan area will follow the City's technical requirements. Drainage, sewer, and Public Services Plans will be phased in line with each development phase planned for the project to facilitate the timely and cost effective extension of services within the project area. Both water and sewer service are currently provided by the City. The Specific Plan is in conformance with the plans of local purveyors and structured to ensure that necessary roads, utilities, landscape elements, and other infrastructure facilities are installed when needed to accommodate the needs of the project as it builds out. Utility facilities, including power and other transmission towers, cellular communication towers will be sited to ensure minimal environmental impacts and land is proposed to be dedicated to accommodate City public services including an electrical substation, potable water reservoir, reverse osmosis facility and fire station.

SECTION 3. APPROVAL

The City Council hereby approves the Annexation request and requests the Riverside Local Agency Formation Commission to favorably consider Annexation of the subject property comprising approximately 253.7 acres of land in the unincorporated area of the County of Riverside as legally described in Exhibit A subject to the other Project Entitlements including the Development Agreement.

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

PASSED, APPROVED AND ADOPTED this 26th day of February, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Administrative City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City Attorney
SBEMP

CERTIFICATION:
I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-29, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February, 2026, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

EXHIBIT A
Legal Description of Property

LEGAL DESCRIPTION OF THE PROPERTY PROPOSED TO BE ANNEXED

PARCEL B:

PARCELS 1 THROUGH 9 AND LETTERED LOTS "A" THROUGH "O", ALL INCLUSIVE OF PARCEL MAP 28971, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 198 PAGES 8 THROUGH 10 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
EXCEPTING THEREFROM PARCELS 3 AND 7, THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015506 OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM PARCEL 3 ALL THAT PORTION CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED MARCH 22, 2002 AS INSTRUMENT NO. 2002-146041.

PARCEL C:

PARCELS 1 AND 2 AND LETTERED LOTS A, B, AND C OF PARCEL MAP 13521, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 83, PAGES 13 THROUGH 15, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF BANNING, A MUNICIPAL CORPORATION, BY DEED RECORDED JANUARY 15, 1998, AS INSTRUMENT NO. 98-015506, OFFICIAL RECORDS.

RESOLUTION 2026-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CA, APPROVING THE SUNSET CROSSROADS TENTATIVE PARCEL MAP NO. 38118, FOR THE DEVELOPMENT OF INDUSTRIAL AND COMMERCIAL USES ON A 533.8-ACRE PROJECT SITE LOCATED SOUTH OF I-10 AND THE UNION PACIFIC RAILROAD, AND WEST OF SUNSET AVENUE (ASSESSOR'S PARCEL NUMBERS (APNS): 537-110-003 THROUGH -005, 537-110-011 THROUGH -014, 537-120-013, 537-120-025, AND 537-120-028 THROUGH -036), INCLUDING 253.7 ACRES LOCATED IN UNINCORPORATED RIVERSIDE COUNTY AND THE CITY'S SOUTHERLY SPHERE OF INFLUENCE

WHEREAS, an application for General Plan Amendment (GPA) 20-2501, Zone Change (ZC) 20-3502, Specific Plan 20-2002, Tentative Parcel Map (TPM) 38118, and a Development Agreement with the City of Banning (collectively, the "Project"), for the development of industrial and commercial uses on a 533.8-acre project site located south of I-10 and the Union Pacific Railroad, and west of Sunset Avenue (assessor's parcel numbers (APNS): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036), including 253.7 acres located in unincorporated Riverside County and the City's southerly sphere of influence ("Project Site"), has been duly filed by NP Banning Industrial, LLC; and

WHEREAS, concurrently with consideration of the Project, the City is considering certification of Final EIR SCH No. 2021020011, including a Draft EIR, and the Supplemental CEQA Memorandum dated October 23, 2025 to address revisions to the Project and the Sunset Crossroads Project—Modified Project V2.1 Trip Generation Assessment dated February 20, 2026 to address further reductions in Project industrial square footage and related traffic impacts, each prepared by Urban Crossroads, Inc. ("collectively the "Supplemental CEQA Memoranda") prepared in accordance with State law considering the environmental effects of the Project, and of the concurrent adoption of a General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels of land that are not within the Project Site from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site Entitlements") to ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, pursuant to Section 16.14.050.A of the Banning Municipal Code, the City Council has the authority to review and approve or conditionally approve TPM 38118; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, at the September 10, 2025 special meeting the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project including TPM 38118. At the conclusion of the hearing, the Planning Commission voted 2 in support and 3 opposed to adopt the draft resolution recommending approval, resulting in a failed motion; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025, the City provided notice by advertisement in the Record Gazette newspaper of continuation of the September 10, 2025 Planning Commission special meeting to the regular meeting of the Planning Commission on November 5, 2025 to continue deliberations and make recommendations to the City Council regarding the Project entitlements, including TPM 38118. The public hearing notice was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, at the November 5, 2025 regular meeting, the Planning Commission considered any new information received on the Project and voted 3 in support and 2 opposed to not re-open the public hearing, in accordance with the City of Banning's Manual of Procedural Guidelines, Section 7.3(e), before continuing its deliberation and considering the entirety of the record for the Project; and

WHEREAS, at the November 5, 2025 regular meeting, the Planning Commission by a vote of 3 in support and 2 opposed as to the Project and 5 in support and none opposed as to the MSJC Site Entitlements, instructed staff to prepare resolutions making findings supporting a recommendation of denial to the City Council of the Project and the MSJC Site Entitlements and rejection of the certification of the FEIR and continued the matters to November 17, 2025; and

WHEREAS, at a November 17, 2025 special meeting, the Planning Commission voted 3 in support and 2 opposed to adopt Resolution No. 2025-15 recommending the City Council deny Project applications and rejecting the certification of the FEIR, and voted 5 in support and none opposed to adopt Resolution No. 2025-16 recommending the City Council deny the MSJC Site Entitlements, each including related findings; and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the Project Site; and

WHEREAS, at the January 28, 2026 special meeting, the City Council held a public hearing, commenced deliberation of the Project and voted 5-0 to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed General Plan Amendment and Zone Change, Sunset Crossroads Specific Plan, Development Agreement, Parcel Map and supporting materials, and public testimony and finds the Project in conformance with the requirements of the Banning Municipal Code and the City's General Plan; and

WHEREAS, the City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, concurrently with adoption of this Resolution pursuant to adoption of Resolution 2026-28, certified the FEIR as supplemented by the Supplemental CEQA Memoranda and adopted Findings and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program and determined that the FEIR as so supplemented sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects while feasibly attaining most of the basic objectives of the Project in accordance with CEQA and the State CEQA Guidelines, and has determined that the General Plan Amendment and Specific Plan have been fully analyzed per CEQA under the FEIR as so supplemented and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution and in the accompanying staff report, are based on the facts, analysis and conclusions in the FEIR as supplemented by the Supplemental CEQA Memoranda, all of which are incorporated herein by this reference, and the oral and written evidence presented to it as a whole, and not based solely on the information provided in this Resolution; and

WHEREAS, the City concurrently with adoption of this Resolution is adopting Resolution 2026-29 adopting a General Plan amendment and Specific Plan, Ordinance 1618 approving Zone Change Case No. 20-2502, and Ordinance 1620 approving a Development Agreement for the Project ("Development Agreement") and it is the intent of the City that the General Plan Amendment, Specific Plan and this Resolution 2026-31 become effective concurrently with the effective date of the Development Agreement Ordinance subject to termination of this approval as set forth in the Development Agreement if the First Installment of the Public Benefit Fee (each as defined in the Development Agreement) is not timely paid in accordance with the terms of Section 5.2.1 of said Development Agreement;

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows with respect to Tentative Parcel Map 38118:

SECTION 1. RECITALS:

The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. FINDINGS FOR TENTATIVE PARCEL MAP 38118:

Pursuant to Section 66474 of the Subdivision Map Act, there are seven findings that must be met to justify approval of a Tentative Map application. The City Council of the City of Banning has determined that Tentative Parcel Map, Case No. TPM 38118, can be approved because the following required findings can all be met in the affirmative:

Finding A: The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

Findings of Fact: The City's General Plan land use designation and Zoning Map will be amended as part of the overall Project approvals. The proposed TPM 38118 will be consistent with the designation of the Project Site as "Specific Plan," and the proposed TPM 38118 provides for the accommodation of nineteen (19) planning areas, consisting of a variety of commercial and industrial uses, lot types and sizes ranging from 1-acre to 194.3-acres, common open spaces, and circulation and other public improvements. The proposed TPM 38118 furthers the objectives and policies of the General Plan in that 440 acres of the Project Site is dedicated to commercial and industrial development, with no net loss of residential density, provided that the MSJC Site Entitlements are adopted by the City Council.

Finding B: The design and improvements of the proposed Tentative Parcel Map is consistent with the zone in which the property is located.

Finding of Fact: The Specific Plan identifies the permitted land uses; development standards, design guidelines; and implementation provisions applicable the Project. The Project includes a General Plan Amendment amending the land use designations on-site to General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R).establishes criteria for circulation and rights-of-way for public street accessing each of the developable parcels proposed within the TPM 38118. Proposed street widths and sections are consistent with the Specific Plan criteria. The Specific Plan is in conformance with the plans of local purveyors and structured to ensure that necessary roads, utilities, landscape elements, and other infrastructure facilities are installed when needed to accommodate the needs of the Project as it builds out. A Plan of Services and a Water Supply Assessment prepared for the Project indicates that site access and infrastructure for utility conveyances is available and provisions for services have been planned. TPM 38118 is consistent with the Commercial and Industrial uses proposed in the Specific Plan in that it is located on major roadways with good access to Interstate 10 including Sunset Avenue identified in the Banning General Plan as an arterial/secondary highway appropriate for truck traffic.

Finding C: The site is physically suited for this type of development.

Finding of Fact: The 533.8-acre Project Site is currently vacant and undeveloped. The site's elevation ranges from approximately 2,399–2,523 feet above mean sea level (amsl). There is a difference of approximately 124 feet of elevation change from the

southeast extent of the Project Site to northwest extent of the Project Site. The topography is fairly level with gentle slopes, and several watercourses transect the site. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site and Smith Creek flows in a north-south direction. Highland Wash is a smaller drainage course and tributary to Smith Creek that confluences with Smith Creek near Westward Avenue. The subject site encompasses 533.8 acres, including 253.7 acres making up approximately the south half of the development project that is presently outside of the current City limits and within the City's Sphere of Influence. These 253.7 acres are intended to be annexed into the City of Banning upon approval of the Sunset Crossroads Specific Plan. The proposed map as conditioned, including the mitigation measures contained within the Mitigation Monitoring Reporting Program adopted concurrently with FEIR certification to ensure that the Project's development is in accordance with and will implement the public improvements and mechanisms whereby the necessary facilities and resources will be available for future uses.

Finding D: The subject site is physically suitable for the proposed density of development.

Finding of Fact: The subject site consists of 533.8-acres of vacant and undeveloped land and is planned to provide development opportunities for commercial/retail and industrial uses. The buildings are spread over 530 acres and the FEIR's visual analyses of the impacts of the building sizes found no significant impact because of their height or mass. Due to its acreage, the Project Site is able to accommodate the Project while keeping buildings within more interior portions of the site with setbacks, walls and open space and parks separating the Project from surrounding uses and the FEIR did not identify any significant visual impacts.

Finding E: 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.

Finding of Fact: With the exception of the significant and unavoidable environmental effects of the Project identified in the FEIR, as modified by the Supplemental CEQA Memoranda and the Mitigation Monitoring and Reporting Program, the design of the subdivision and proposed improvements are not expected to cause substantial environmental damage or to substantially injure fish or wildlife or their habitat. The Project Site is not in a linkage designated under the MSHCP that is a connection between substantial habitat blocks with adequate size, configuration, and vegetation characteristics to generally provide for "live-in" habitat and/or provide for genetic flow for identified covered species. Significant cumulative effects of the Project on the MSHCP-covered plans and wildlife, wildlife movement, riparian/riverine areas and habitat connectivity are fully mitigated by the City of Banning's signatory status under the MSHCP and the requisite measures for mitigation of project-specific impacts to the burrowing owl, Los Angeles pocket mouse and Stephens' kangaroo rat and these species' habitat. Cumulative effects not specially covered under the MSHCP are nevertheless mitigated to

less than significant levels by the broad range of habitats covered by the MSHCP, project design features and mitigation measures required for the proposed project, and payment of the MSHCP mitigation fee.

Finding F: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Finding of Fact: All parcels planned for development within the subdivision will have access to utilities, including water, wastewater and electricity. Emergency services such as police and fire are also available to serve the properties as these parcels develop. The Project incorporates landscaping, architectural standards, and buffers to surrounding land uses. As described in the Final EIR and Supplemental CEQA Memoranda, the Project does not result in significant unavoidable localized air quality, health risk, noise impacts, greenhouse gas or noise impacts from Project operations, including truck trips, and construction noise impacts can be mitigated to less than significant levels with the consent of the City and to the extent that there are other unavoidable impacts the same are permitted by a Statement of Overriding Considerations. Significant and unavoidable impacts are regional in nature only: air quality and greenhouse gas impacts. As a result, no public health problems are anticipated.

Finding G: The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

Finding of Fact: The subdivision proposes to dedicate public streets that will be consistent with the criteria planned by the Sunset Crossroads Specific Plan. With the improvement of the development, this will allow safe access through the site and provide each newly established parcel with access. The applicant has dedicated land for the City's Sun Lakes Boulevard Extension program to facilitate east-west traffic across the Project Site and proposes to build out, as specified in the Specific Plan, Lincoln Street and areas of Sunset Avenue, Bobcat Road and Highland Home Road to facilitate traffic south of I-10 in the City.

SECTION 5. APPROVAL

The City Council hereby approves the Tentative Parcel Map, Case No. TPM 38118, subject to the Conditions of Approval attached as Exhibit A, subject to termination of this approval as set forth in the Development Agreement if the First Installment of the Public Benefit Fee (each as defined in the Development Agreement) is not timely paid in accordance with the terms of Section 5.2.1 of said Development Agreement.

SECTION 6. CERTIFICATION
The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book or original resolutions.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City Attorney
SBEMP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-31, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February, 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

City of Banning

Community Development Department
Conditions of Approval

PROJECT: GPA 20-2501, ZC 20-3502, SP 20-2002, TPM 38118, EA 20-1506
SUBJECT: Conditions of Approval (City Council Resolutions 2026-28, -29, -30, -31)
APPLICANT: NP Banning Industrial LLC
LOCATION: Southwest corner of Interstate 10 and Sunset Avenue - APNs: 537-110-003, -004, -005, -011, -012, -013, -014, 537-120-013, 025, -028, -029, -030, -031, -032, -033, -034, -035, -036

EXHIBIT A

To City Council Resolutions 2026-28, -29, -30, -31

***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

The Department of Community Development provides the Conditions of Approval listed herein for the above-mentioned project. Unless otherwise stated, all conditions shall be completed by the applicant at no cost to any government agency. The Applicant may contact the Planning Division at (951) 922-3125 for compliance with the following conditions.

Planning Division

COA #	Condition of Approval	Completion Milestone	Status
PLN.General.01	The construction and operation of the Sunset Crossroads Specific Plan Project ("Project") shall always comply with all federal, state, County and City laws, codes, regulations, and standards, including those that relate to hazardous materials.	Informational	
PLN.General.02	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,	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	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 Sections 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.		
PLN.General.03	Approval of these entitlements shall not waive compliance with any sections of the CA Government Code, Banning Municipal Code (BMC), or other applicable City ordinances, in effect at the time of building permit issuance.	Informational	
PLN.General.04	A copy of the signed Resolution of approval and these conditions of approval imposed on the Sunset Crossroads development project and TPM 38118 shall be reproduced in legible form on the improvement plans submitted for review and approval as required by the reviewing department.	Informational	
PLN.General.05	Prior to any occupancy/use of the Project site, or business activity being commenced thereon, the applicant shall complete these conditions of approval to the satisfaction of the Community Development Director.	Informational	
PLN.General.06	The subject property shall be operated 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 BMC.	Informational	
PLN.TPM.01	The Applicant shall complete any/all improvements to the site contained in the Subdivision Improvement Agreement for TM 38118.	Informational	
PLN.TTM.02	The Applicant shall be responsible for completion of all Performance and Labor and Material Bonds under the approval for TM 38118.	Informational	
PLN.TTM.03	Prior to release of performance bonds, the developer shall complete all public improvements including street widening, sidewalks, connections to sidewalks and trails	Prior to Release of Performance Bonds	

COA #	Condition of Approval	Completion Milestone	Status
	within the development, providing ease of access to common open spaces and amenities.		
PLN.DA.01	The Applicant shall provide evidence that the fully executed Development Agreement for the project has been recorded, and a perfected copy of the recorded documents shall be provided to the Community Development Department, Planning Division.	Informational	
PLN.DA.02	The Planning Division shall prepare and present to the City Council an annual performance report for the Development Agreement to ensure that project milestones have been completed pursuant to the terms of the Development Agreement.	Informational	
PLN.MMRP.01	All phases of site preparation, grading, construction, and operations shall adhere to the Mitigation Measures contained within the Mitigation Monitoring and Reporting Program.	Informational	
PLN.MMRP.02	MM BIO-1 Construction Guidelines. Construction activities will follow the Construction Guidelines found in Volume 1, Section 7.5.3 of the MSHCP.	Informational	
PLN.MMRP.03	MM BIO-2 Equipment Staging. Equipment and vehicle storage, fueling, and material staging and storage will be in previously paved or previously disturbed, upland areas with no risk of direct drainage into riparian/riverine areas or other sensitive habitats. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into riparian/riverine areas. Development Project related spills of hazardous materials shall be reported to appropriate entities and shall be cleaned up immediately with contaminated soils removed to approved disposal areas.	Informational	
PLN.MMRP.04	Worker Environmental Awareness Program (WEAP). A qualified biologist will present to each Development Site employee a worker environmental awareness training prior to the 99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3100 initiation of work. They will be advised of the riparian/riverine resources and any other sensitive environmental resources in the Development Project area, the steps to avoid impacts to such, and the potential penalties for violating those steps. At a minimum, the program will include the following topics: occurrence of the sensitive biological resources in the Development Project area and their general ecology, sensitivity of such to human activities, legal protection afforded these species, penalties for violations, reporting requirements, and Development Project features designed to reduce the impact area. A sign-in sheet will be utilized to identify all	Informational	

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	workers that have completed the WEAP training. If additional employees are added to the Development Project after the initiation, they will receive instruction prior to working on the Development Project. They will also need to sign the sign-in sheet to provide proof of completion. For some projects with numerous contractors entering the project at different stages of the project, the WEAP training can be videotaped and shown to additional workers rather than completing the training in person.		
PLN.MMRP.05	MM BIO-4 Materials and Spoils Control. Development Project materials will not be cast from the Development Site, and Development Project related debris, spoils, and trash will be contained daily and removed to a proper disposal facility.	Informational	
PLN.MMRP.06	MM BIO-5 Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Informational	
PLN.MMRP.07	MM BIO-6 MSHCP Best Management Practices (BMPs). Development Project activities will be in compliance with BMPs, as applicable, detailed in MSHCP Volume 1, Section 7.5.3, and Appendix C of the MSHCP. The Project Determination of Biologically Equivalent or Superior Preservation (DBESP) would provide regulations consistent with the MSHCP BMPs, and the Development Project shall comply with all DBESP regulations.	Informational	
PLN.MMRP.08	MM BIO-7 Burrowing Owl Impacts. To avoid direct and indirect impacts to burrowing owl, a preconstruction survey shall be conducted in areas to be disturbed by a qualified biologist within 30 days prior to ground disturbance at the Development Site and submitted to the City. If construction activities occur during the breeding season (February 1 through August 31) and burrowing owl is determined to be present within any portion of the study area during the pre-construction survey, consultation with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) shall take place, and no construction activity shall take place within a 300-foot buffer zone. This buffer area may be reduced at the discretion of the biological monitor in consultation with CDFW and/or USFWS, until it has been determined that	Prior to Grading Permit Issuance	

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	the nest/burrow is no longer active and all juveniles have fledged the nest/burrow. To avoid active nests, no grading or heavy equipment activity shall take place in the buffer zone during the breeding season (February 1 through August 31). If construction activities cannot avoid the nesting season and an occupied burrow is identified in a proposed development area, the burrows shall be avoided or the owls passively relocated. A Burrowing Owl Protection and Relocation Plan will be required and is included under MM BIO-8.		
PLM.MMRP.09	MM BIO-8 Burrowing Owl Protection and Relocation Plan. Within 90 days of the commencement of grading, a Burrowing Owl Protection and Relocation Plan would be drafted and reviewed by CDFW to ensure MSHCP guidelines for protection and/or relocation are followed. As part of that plan, one-way doors shall be installed as part of a passive relocation program. Burrowing owl burrows shall be hand-excavated by a qualified biologist when determined to be unoccupied and backfilled to ensure animals do not re-enter. Disturbance to active burrows shall be minimized to the extent feasible. If three or more pairs of burrowing owl are identified, MSHCP guidelines require additional conservation land be set aside to off-set the significant impacts to burrowing owl in a project site outside of a cell criteria area. In all scenarios, including the detection of additional burrowing owls, mitigation and equivalency will be achieved through the Development Project following all MSHCP guidelines and the direction of the Environmental Programs Department, Western Riverside County Regional Conservation Authority, and/or the Wildlife Agencies.	90 days prior to Start of Grading Activities	
PLN.MMRP.10	MM BIO-9 Los Angeles Pocket Mouse. Prior to commencement of grading, nighttime trapping surveys will occur in areas within the known habitat and other areas providing the key constituent habitat elements based on historical surveys and those conducted for the Development Project, in riparian areas (the three identified drainage features) and adjacent upland habitat that will be permanently impacted by the Development Project. An exclusion fence will be installed along the perimeter of the construction footprint associated with the drainage crossings. Trapping and relocation of LAPM shall be performed immediately prior to grading or other construction on the Development Site within areas known to be occupied by LAPM within the existing drainage features and/or uplands. Where new roads cross the	Prior to Issuance of Grading Permit	

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	riparian corridors, undercrossings suitable for safe passage of wildlife will be constructed. The exclusion fencing will be monitored through construction activities within suitable habitat to ensure animals do not return. Restoration of a total of 3.21 acres of Development Site riparian habitat may bring project related impacts to a level that allows for 90 percent conservation of suitable habitat within the Development Site. Mitigation and equivalency may be achieved through the conservation of 7.92 of 8.99 acres of riparian/riverine lands on the Development Site as well as a surrounding buffer of approximately 32.58 acres, including the use of a deed restriction and/or conservation easement (see MM BIO-15 below). As part of the restoration effort, all non-native invasive species, such as tamarisk, arundo, and pampas grass, will be removed prior to any seeding or planting of native species.		
PLN.MMRP.11	MM BIO-10 Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).	Prior to Issuance of Building Permit	
PLN.MMRP.12	MM BIO-11 Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Informational	
PLN.MMRP.13	MM BIO-12 During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard	Prior to Commencement of Construction Activities	

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	construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.		
PLN.MMRP.14	MM BIO-13 Mitigation for impacts to Riparian/Riverine areas covered under the MSHCP would be achieved by conserving all remaining riparian/riverine lands on the Project Site (7.92 of 8.99-acres) as well as a surrounding buffer of approximately 32.58-acres. These areas will be preserved in perpetuity through the use of a deed restriction and/or conservation easement as further described in MM BIO-15. To mitigate for Project impacts to 1.07-acre of riparian/riverine, a minimum of 3.21-acres of Project Site riparian habitat will be enhanced and restored (a 3:1 ratio for permanent impacts), with riparian habitat spread throughout all three features within the Project Site, for compliance with the requirements of the MSHCP. Non-native invasive species will be removed (enhancement) and native riparian species will be planted (restored) which will increase the function and value of the currently disturbed drainage features following mitigation. In the event that land on the Project Site cannot be conserved, then the applicant shall either (1) contribute land at a 3:1 ratio containing similar habitat and jurisdictional areas to the Reserve Assembly; or (2) make a fee payment to a mitigation bank pursuant to an in-lieu fee program at a 3:1 mitigation ratio.	Prior to Issuance of Grading Permit	
PLN.MMRP.15	MM BIO-14 If habitat mitigation on the Project Site or at land contributed by the applicant is the selected means of mitigation, then as part of the restoration effort, a Habitat Restoration and Monitoring Plan (HRMP) will be prepared by a qualified restoration consultant and will be reviewed and approved by the City prior to commencement of construction activities on the Project Site. The exact location of the proposed riparian restoration areas (whether on-site or off-site) will be provided to the City for review and approval. If off-site mitigation areas are selected, the applicant shall have control of the mitigation area prior to commencement of construction. However the offsite mitigation option is not anticipated at this time. The HRMP shall provide a plan for removal of non-native invasive species (enhancement) and planting of native riparian species (restoration) which will increase the function and value of the currently disturbed drainage features following mitigation and will be designed to assure that installation of the proposed mitigation will result in an outcome that would be biologically equivalent or superior to an avoidance measure. The HRMP will include species information, success criteria and mapped location(s) for the proposed on-site riparian/riverine mitigation, and a	Prior to Issuance of Grading Permit	

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	habitat viability analysis for the proposed new areas of riparian vegetation and will also include: • Removal of non-native invasive species, such as tamarisk (Tamarix aphylla), giant reed (Arundo donax), and castor bean (Ricinus communis); • Removal of trash and debris associated with human disturbance will be removed. • Planting of boxed riparian trees, container plantings, and hand broadcasting, with Riparian/Riverine species to be planted to match the existing riparian/riverine trees and include plant species such as Fremont cottonwood (Populus fremontii), Goodding's black willow, arroyo willow (Salix lasiolepis), and/or mule fat and, along the upland benches, planting of more upland species such as scale broom (Lepidospartum squamatum), California buckwheat (Eriogonum fasciculatum), California sagebrush (Artemisia californica), brittlebush (Encelia californica), pinebush (Ericameria pinifolia), and deerweed (Lotus scoparius). • Planting of plants with mycorrhizal fungi and root hormone to increase survivability. Following the installation of the plant material, mulch will be used at boxed trees and container plants for additional moisture and protection. • Maintenance and monitoring for 5-years following the installation, to include: ○ Irrigation for the first three years, if feasible. ○ If instigated, removal of irrigation after year three to allow the plants to acclimate to existing climatic conditions during the last two years of monitoring, to ensure that the vegetation has long-term survivability. ○ Monitoring by a qualified biologist quarterly for the first year, then annually for years two through five. ○ A qualitative assessment will be completed by the qualified biologist and reported to the Wildlife Agencies, and will include Project Site specific photo locations and an aerial photograph (with drone) documenting vegetation progress. ○ To determine if the restoration has been successful, minimum success criteria at the end of five years will be specified in the HRMP. If the minimum success criteria is not achieved, then the applicant shall be responsible for taking the appropriate corrective measures, as determined by a qualified restoration ecologist. Correction actions will continue until the success criteria have been met.		

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	• A Weed Management Plan prepared by a qualified biologist and approved by CDFW will be prepared prior to commencing of grading on the Project Site setting forth best management practices (BMPs) to reduce the amount of non-native weedy species introduced into the Project during construction activities. The plan will focus on specific BMPs that will be used to reduce the risk of spreading non-native invasive seeds within the Project during construction, to include, but not limited to annual monitoring of sprouting vegetation in early spring, removing non-native invasive species, and utilizing water-wise native landscaping in the surrounding development areas. The purpose of the Weed Management Plan is to substantially reduce the potential for weeds to grow on-site and then monitor the Project Site and implement BMP so that weeds that do occur on-site can be removed before they go to seed.		
PLN.MMRP.16	MM BIO-15 A third-party conservation organization will be chosen to monitor and maintain all portions of the Development Site within the designated conservation area, as outlined in a conservation easement covering the drainage features and adjacent upland buffer zones adjacent to drainages. The conservation easement should be in place prior to or immediately following regulatory agency permits being issued. Additionally, any additional off-site land acquired for project mitigation, if any, will be incorporated into the managed land, with approval from relevant agencies such as the Western Riverside County Regional Conservation Authority, California Department of Fish and Wildlife, Regional Water Quality Control Board, and United States Fish and Wildlife Service. Although a designated organization has not been chosen, one will be selected and approved by the City before the project's implementation.	Prior to Issuance of Grading Permit	
PLN>MMRP.17	MM BIO-16 Sediment Transport and Scour Analysis: The Project proposes to construct concrete-lined box culverts at two drainage crossings on the Project Site. To avoid significant changes to downstream sediment transport and deposition, floodplain modification, and potential streambed aggradation or incision above and below each of the proposed stream crossings consistent with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the applicant shall prepare and submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval prior to construction of any drainage crossing on the Project Site. The sediment transport and scour analysis shall identify and compare	Prior to Issuance of Grading Permit	

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	pre- and post-crossing development of sediment transport and deposition, floodplain modification, and potential streambed aggradation and incision above or below each proposed drainage crossing to confirm that the Project would not have significant impacts on the CVMSHCP conservation sediment transport system strategy. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossing.		
PLN.MMRP.18	MM CUL-1 The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. 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 "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.	During All Ground-Disturbing Activities	
PLN.MMRP.19	MM CUL-2 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 Development Site, in coordination with the Consulting Tribe(s).	Informational	
PLN.MMRP.20	MM CUL-3 Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities in accordance with MM CUL-5 to allow identification, evaluation, and potential recovery of cultural resources.	Prior to Issuance of Grading Permit	

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	The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.		
PLN.MMRP.21	MM CUL-4 In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health and Safety Code Section§ 7050.5 and Public Resources Code (PRC) Section§ 5097.98. In the event human remains are found and identified as Native American, the applicant shall also notify the City Planning Department so that the City can ensure PRC Section§ 5097.98 is followed.	Informational	
PLN.MMRP.22	MM CUL-5 In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-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 fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. 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. • 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.	Informational	
PLN.MMRP.23	MM CUL-6 Any and all cultural documents created as a part of the Development Project (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the	Informational	

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	applicant and Lead Agency for dissemination to the Consulting Tribe.		
PLN.MMRP.24	MM GEO-1 Paleontological Resources Monitoring. All mass grading, excavation, drilling, and trenching activities within the old alluvial fan deposits ("Qof"), which underlie the majority of the Development Site, starting at the surface shall be monitored full-time by a qualified paleontological monitor for paleontological resources. Prior to initiation of any grading, drilling, and/or excavation activities, a pre-construction meeting shall be held and attended by the paleontologist of record, the grading contractor and subcontractors, the Development Site applicant, and a representative of the lead agency. The nature of potential paleontological resources shall be discussed, as well as the protocol that is to be implemented following discovery of any fossiliferous materials. For earthmoving within young alluvial fan deposits ("Qyf") and young alluvial valley deposits ("Qya") mapped at the Development Site, periodic "spot check" monitoring shall be conducted, consisting of approximately one to three scheduled site visits per week by a qualified paleontological monitor during construction ground disturbance. If fossils are discovered, full-time monitoring for paleontological resources shall be warranted. In the field, the primary monitor or the monitors under the direction and supervision of the site-specific paleontologist shall be the responsible persons on site with the assigned authority and responsibility to control all grading operations that might adversely affect any salvage efforts. Isolated fossils will be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes will be taken on the map location and stratigraphy of the site, which will be photographed before it is vacated and the fossils are removed to a safe place. All paleontological monitors shall immediately notify all concerned parties (client and lead agency [i.e., the City of Banning]) at the time of any discovery. The City of Banning shall ensure that the recommendations from the qualified, professional paleontologist shall be followed by the Applicant/Developer. Within 90 days of final paleontological monitoring, a final monitoring and mitigation report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately	Prior to Issuance of Grading Permit	

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	record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.		
PLN.MMRP.25	MM HYD-1 Prior to the issuance of a grading permit(s) for roadway work in or adjacent to the proposed Lincoln Street creek crossings, the Applicant shall submit a sediment transport and scour analysis to the City of Banning and Western Riverside County Regional Conservation Authority for review and approval. As appropriate, the submittal may include equivalent detail on alternative proposals for the proposed creek crossings. The sediment transport and scour analysis shall identify pre-project conditions associated with channel morphology, hydrologic flow patterns, existing sedimentation and scouring, sediment size, and depth at each crossing. These same attributes will be analyzed based on post-project conditions to determine if there are any substantial changes to the existing conditions. The purpose of the sediment transport and scour analysis is to compare the functions and values of the drainage features in the pre- and post-project conditions and to ensure that following construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossing.	Prior to Issuance of Grading Permit	
PLN.MMRP.26	MM HYD-2 Prior to City of Banning's approval of roadway improvement plans for Lincoln Street, including the proposed Lincoln Street crossings, the Applicant shall submit evidence to the City that the Lincoln Street crossings of Pershing and Smith Creeks have been	Prior to Issuance of Roadway Improvement Permits	

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	designed to avoid impacts to or, if impacted, to maintain the development transport capacity identified in the approved sediment transport and scour analysis required under Mitigation Measure HYD-1.		
The following mitigation measures are also identified as Cultural Resource Conditions in the Development Project's Cultural Resources Assessment (CRA) and are considered standard project procedures to be conducted if a cultural resource is encountered during construction to reduce potential impacts to undiscovered archaeological resources:			
PLN.MMRP.27	MM CUL-1CRA The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. 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 "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.	During All Ground-Disturbing Activities	
PLN.MMRP.28	MM CUL-2CRA 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 Development Site, in coordination with the Consulting Tribe(s).	Informational	
PLN.MMRP.29	MM CUL-3CRA Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.	Prior to Issuance of Grading Permit	
PLN.MMRP.30	MM CUL-4CRA In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health and Safety Code Section§ 7050.5 and Public Resources Code (PRC) Section§ 5097.98. In the event	Informational	

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	human remains are found and identified as Native American, the applicant shall also notify the City Planning Department so that the City can ensure PRC Section§ 5097.98 is followed.		
PLN.MMRP.31	MM CUL-5CRA In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-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 fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. 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. • 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.	Informational	
PLN.MMRP.32	MM CUL-6CRA Any and all cultural documents created as a part of the Development 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 the Consulting Tribe.	Informational	
	The Final Environmental Impact Report contains findings regarding environmental impacts that remain significant and unavoidable. To reduce these impacts to the maximum extent feasible, the following mitigation measures are required:		
PLN.MMRP.33	MM AIR-1 The following multi-part mitigation measure shall be implemented during Project construction:	During Project Construction	

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	• Plans submitted for grading permit issuance and building permit issuance shall specify a designated area of the construction site where electric or non-diesel vehicles, equipment, and tools can be fueled or charged. The provision of temporary electric infrastructure for such purpose shall be approved by the utility provider, Banning Electric Utility (BEU). If BEU does not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet (as specified in this Mitigation Measure below), the establishment of a temporary electric charging area also will not be required. If the contractor(s) equipment fleet includes this equipment and BEU approval is secured, the temporary charging location shall be established upon issuance of grading permits and building permits. • If electric or non-diesel off-road trucks and construction support equipment, including but not limited to hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors are available in the construction contractor's equipment fleet and can fulfill the construction requirements during the building, construction, paving, and architectural coating phases of Project construction, such equipment shall be used during on-site construction. This requirement shall be noted on plans submitted for building permit issuance. • If electric or non-diesel off-road truck and construction support equipment are not available then the Project contractor shall ensure all 50 horsepower or more off-road diesel-powered construction equipment is powered with California Air Resources Board (CARB) certified Tier 4 Final engines or the equivalent. • Construction contractors shall maintain records of all off-road diesel construction equipment associated with on-site construction to document that each off-road diesel construction equipment used meets required emission standards. Records shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City staff or their designee. • During construction activities, the City shall conduct periodic inspections to verify compliance with construction-related mitigation measures pursuant to the Mitigation Monitoring and Reporting Program. • During construction of the proposed Development Project, the Project contractor shall only use interior paints		

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	with low volatile organic compound (VOC) content with a maximum concentration of 30 grams per liter (g/L) for residential building architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a low VOC content with a maximum concentration of 30 g/L verified. • The City of Banning shall verify these requirements have been incorporated into construction plans prior to issuance of any construction permits and during architectural coating activities.		
PLN.MMRP.34	MM AIR-2 The following multi-part mitigation measure shall be implemented during Project operation: • Implement mitigation measures MM GHG-4, MM GHG-5, MM GHG-6, and GHG-7. • All facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on site demonstrating compliance with this requirement and shall make records available for inspection by the City of Banning, SCAQMD, and State upon request. • All on-site cargo handling equipment including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment shall be electric with the necessary electrical plug-in charging included in the design of the Development Project electrical system, buildings, and equipment storage and parking areas. • Tenant lease agreements for the Development Project shall include contractual language restricting trucks and support equipment from nonessential idling longer than 3 minutes while on site. The idling restriction will be presented on signs at the entrance to the industrial portions of the Development Project as well as at loading docks and truck parking areas. • All facility operators shall train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. • Interior- and exterior-facing signs, including signs directed at all dock and delivery areas, shall be provided identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.	Prior to Issuance of Building Permit	

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	• At buildout of the industrial land uses a minimum of 50 Class 8 electric vehicle (EV) truck chargers shall be installed at the tractor trailer parking spaces in logical locations to facilitate electric truck charging. These chargers shall have the power rating sufficient to charge a Class 8 truck battery. • For the warehouse/industrial portions of the Development Project, the building's electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to all tractor trailer parking spaces in logical locations on site to facilitate future electric truck charging. • The Development Project shall include the higher value of either: ○ At least 350 Level 2 AC EV chargers; or ○ A percentage of total parking spaces with Level 2 AC EV chargers to comply with the minimum requirements of CCR, Title 24, Part 11: California Green Building Standards Code. ○ The provision of EV charges in each parking lot shall occur prior to the occupancy of uses for said lots. • All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs. A condition of approval shall be included for the cold storage facility that requires that by buildout at least 90 percent of trucks with TRUs are fully electric. • Prior to issuance of occupancy permits for the industrial/warehouse area, the Development Project operators employing 200 or more employees shall be required to establish and promote a rideshare program and prepare and submit a Transportation Demand Management Program detailing strategies that discourage single-occupancy vehicle trips by employees by increasing and providing financial incentives for alternate modes of transportation, including carpooling/vanpools, public transit, and biking. • Signs at every truck exit driveway shall be provided showing directional information to the truck route. • Every tenant shall be required to train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-		

COA #	Condition of Approval	Completion Milestone	Status
	approved courses. Facility operators shall also be required to maintain records on site demonstrating compliance and make records available for inspection by the City of Banning, SCAQMD, and State upon request. • Tenants shall be required to enroll in the United States Environmental Protection Agency's SmartWay program, and tenants shall be required to use carriers that are SmartWay carriers. • Industrial and commercial buildings within the Development Project shall be all electric unless the land use requires natural gas (i.e., restaurants, bakeries, dental and medical laboratories). • Tenants shall be provided with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.		
PLN.MMRP.35	RCM AQ-1 SCAQMD Rule 403. During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures by using the following procedures, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 during construction. The applicable Rule 403 measures are as follows: • Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more). • Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving). • Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. • Pave construction access roads at least 100 feet (30 meters) onto the site from the main road. • Reduce traffic speeds on all unpaved roads to 15 mph or less.	During Grading Activities	
PLN.MMRP.36	RCM AQ-2 All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F),	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	(e)(2), and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.		
PLN.MMRP.37	RCM AQ-3 Prior to approval of the Project plans and specifications, the City shall confirm that the construction bid packages specify: • Contractors shall use high-volume low-pressure paint applicators with a minimum transfer efficiency of at least 50 percent; • Coatings and solvents that will be utilized have a volatile organic compound content lower than required under SCAQMD Rule 1113; and • To the extent feasible, construction/building materials shall be composed of pre-painted materials.	Prior to Issuance of Building Permit	
PLN.MMRP.38	RCM AQ-4 The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Informational	
PLN.MMRP.39	MM GHG-1 Provide separate recycling bins within each commercial/industrial building and provide large external recycling collection bins at central locations in the commercial and industrial land uses for collection truck pickup. Provide a commercial recycling/composting program that provides 70 percent diversion of waste for the commercial land uses. Provide an industrial recycling program that provides 80 percent diversion of waste for the industrial land uses.	Prior to Issuance of Building Permit	
PLN.MMRP.40	MM GHG-2 Provide drought tolerant low-water landscaping and trees throughout the Development Site and use recycled (purple pipe) irrigation water with drip irrigation and weather based smart irrigation controllers.	Informational	
PLN.MMRP.41	MM GHG-3 Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation to the City of Banning demonstrating that the Project is designed to achieve energy efficient buildings exceeding Title 24 standards with the following design criteria: • Building envelops insulation of conditioned space within all commercial and industrial buildings shall be R15 or greater for walls and R30 or greater for attics/roofs.	Prior to Issuance of Building Permit	

COA #	Condition of Approval	Completion Milestone	Status
	• Windows of commercial and industrial buildings shall have an insulation factor of 0.28 or less U-factor and 0.22 or less SHGC. • All roofing material for commercial buildings shall be CRRC Rated 0.15 aged solar reflectance or greater and 0.75 thermal emittance. • All heating/cooling ducting within the commercial and industrial buildings shall be insulated with R6 or greater insulation. • All heating and cooling equipment shall be ERR 14/78 percent AFUE, or 7.7 HSPF levels of efficiency or greater. • All water heaters in the commercial and industrial buildings shall be high efficiency electric water heaters with a minimum 0.72 Energy Factor or greater. • Lighting within the commercial and industrial buildings shall be high efficiency LED lighting with a minimum of 40 lumens/watt for 15 watt or less fixtures, 50 lumens/watt for 15–40-watt fixtures, and 60 lumens/watt for fixtures greater than 40 watts. • Building roofs shall be in compliance with solar requirements of the California Building Code Title 24 standards.		
PLN.MMRP.42	MM GHG-4 All appliances within the commercial and industrial land uses shall be energy star rated appliances.	Prior to Issuance of Building Permit	
PLN.MMRP.43	MM GHG-5 All water fixtures shall be water efficient (toilets/urinals [1.5 GPM or less], showerheads [2.0 GPM or less], and faucets [1.28 GMM or less]).	Prior to Issuance of Building Permit	
PLN.MMRP.44	MM GHG-6 All landscape equipment used to maintain the landscaping within the Development Project shall be electric.	Informational	
PLN.MMRP.45	MM GHG-7 Prior to issuance of building permits, the Project shall provide documentation to the City as part of the plan check process, demonstrating that the Project will implement the measures specified in Table 4.8.K which were obtained from the Riverside County Greenhouse Gas Emissions Screening Tables. The Project may also achieve equivalent emission reductions from other measures approved by the City. Implementing these mitigation measures shall be verified by the City prior to the issuance of final Certificate of Occupancy.	Prior to Issuance of Building Permit	

COA #	Condition of Approval	Completion Milestone	Status
PLN.MMRP.46	MM NOI-1 The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Avenue, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.	During all Grading and Construction Activity	
PLN.MMRP.47	MM TRA-1: Prior to issuance of occupancy permits, the project applicant shall prepare a Transportation Demand Management (TDM) strategy report (as discussed in the Sunset Crossroads Vehicle Miles Traveled (VMT) Analysis) for review and approval by the City Traffic/Transportation Manager, Transportation Demand Management (TDM) strategies have been incorporated into the project design including commute trip reduction	Prior to Issuance of Certificate of Occupancy	

COA #	Condition of Approval	Completion Milestone	Status
	marketing, rideshare program, and end-of-trip bicycle facilities.		

Building Department

COA #	Condition of Approval	Condition Milestone	Status
BLD.01	Once submitted for official plan review full architectural and structural drawing plans shall be provided. Structural plans and calculations shall be provided by a California licensed engineer or licensed architect.	Informational	
BLD.02	Please provide the following number of construction plans and documents listed below for the first review of the proposed project. The initial plan review time will take two weeks on most projects. The applicant will receive an application number at the time plans are submitted for Building & Safety's plan review. This number is needed to obtain information regarding your project: (7) Precise Grading Plans (7) Plot/Site Plans (7) Site Disabled Access Plan (7) Architectural Plans (7) Structural Plans (7) Electrical Plans (7) Electrical Load Calculations (7) Plumbing Plans/Isometrics (7) Mechanical Plans (2) Structural Calculations (2) Roof and Floor Truss Calculations (2) Title 24 Energy Calculations (2) Geology Report (2) Soils Report (2) Condition of Approval Packages (3) Temporary Fence Plan	Informational	
BLD.03	Electronic plan submittal can be completed through the City's SmartGov portal. Please email buildingandsafety@banningca.gov for additional information.	Informational	
BLD.04	All structures shall be designed in accordance with the current version of the California Building Codes, including the California Green Building Standards Code. Design all structures to comply with Seismic Design Category D, basic wind speed should be site specific and determined from ATC at www.atcouncil.org/windspeed	Informational	

	with exposure type "C", and Energy Calculations shall be designed per Climate Zone 10.		
BLD.05	Where applicable, prior to issuance of building permits, provide a receipt from the appropriate Unified School District stating that all school fees have been paid. (Banning Unified School District)	Prior to Issuance of Building Permit	
BLD.06	Banning Electric does not release electric meters until final approvals are obtained from all agencies and departments.	Prior to Final Inspection	
BLD.07	Construction projects, requiring temporary electrical power, shall obtain an electrical permit from Banning Electric.	Informational	
BLD.08	Construction projects requiring fire permits must apply and submit fire plans prior to the issuance of the building permit, including fire sprinkler submittals.	Informational	
BLD.09	The Developer/Owner is responsible for the coordination of releasing any Deferral of Development Impact Fees or Bonds after such fees have been paid. The Developer/Owner should be aware, once the deferral notice is sent to the Riverside County Recorder's Office; the release process takes two to three weeks. This process will delay final Certificates of Occupancy.	Prior to Certificate of Occupancy	
BLD.10	The Developer/Owner is responsible for the coordination of the final occupancy. The Developer/Owner shall request clearances from each department and/or agency at least two weeks prior to requesting a final building inspection from Building and Safety. Each agency may sign the Building and Safety Job Card, or provide agency approved signed documentation, and provide a copy of the signatures to Building and Safety at the time the final inspection is requested.	Prior to Certificate of Occupancy	
BLD.11	A security fence with screening shall protect all construction sites. The fencing and screening shall be maintained at all times to protect pedestrians. All development projects shall submit a construction fencing plan with the construction design plans. Construction projects that have phased occupancy shall be completely separated by a construction fence that is screened and show the adjusted fence locations at each phase.	Prior to Issuance of Building Permit	
BLD.12	The permittee shall utilize an anti-graffiti coating on trash enclosures and decorative block walls.	Informational	
BLD.13	On site toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction toilet facilities of the non-sewer type shall conform to ANSI ZA.3 and on site per NPDS stormwater requirements.	Informational	

BLD.14`	All construction materials, which are not used, shall be recycled pursuant to the requirements per the California Green Building Standards Code. Receipts from the recycle company responsible for picking up the materials shall be kept in the construction office. After the construction is complete and before final occupancy, all trash receipts shall be forwarded to the City.	Prior to Certificate of Occupancy	
BLD.15	Prior to the issuance of Building Permits, on-site water service shall be installed and approved by the responsible agency. On site fire hydrants shall be approved by the Riverside County Fire Department. No flammable materials will be allowed on the site until the fire hydrants are established and approved. No flammable construction materials shall be placed on the site without approvals by the Fire Department. All street and access roadways around the project shall be paved for emergency response vehicles before flammable materials are placed on the project.	Prior to Issuance of Building Permit	
BLD.16	Prior to issuance of building permits, site-grading certifications, compaction reports, and survey report shall be submitted to Building and Safety or to Public Works, as applicable.	Prior to Issuance of Building Permit	
BLD.17	All construction projects shall comply with the NPDES Stormwater Best Management Program. Prior to building permit issuance submit copy of the Water Quality Management Program Report. (WQMP)	Prior to Issuance of Building Permit	
BLD.18	All deferred plan items are to be identified on the cover sheet of the drawing plans.	Informational	
BLD.19	Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel. The accessible route(s) of travel shall be the most practical direct route.	Informational	
BLD.20	Demolition of any onsite structures requires the following information or action. a. Submit copies of the property title at permit submittal. b. Provide copy of the hazardous materials survey (asbestos and lead) for each structure. c. Contact the City of Banning Building & Safety Department for current abatement and documentation requirements prior to performing demolition.	Informational	
BLD.21	For the removal of fuel storage tanks, or other excavations involving backfill, a compaction shall be filed with the Building & Safety Department. Fuel storage tank removal will require notification of Riverside County Fire, Hazardous Materials and Riverside County Environmental Health Department.	Informational	

BLD.22	All dead and removed trees and foliage are to be properly transported from the site as green waste.	Informational	
BLD.23	The City enforces the State of California provisions of the California Building Code disabled access requirements. The Federal Americans with Disabilities Act (ADA) standards may differ in some cases from the California State requirements; therefore, it is the building owner's responsibility to be aware of those differences and comply accordingly.	Informational	
BLD.24	Building and Safety inspection requests must be made through the online SmartGov portal.	Informational	
BLD.25	Plan review application approval is valid for a period of 180 days after application date (plan check submittal date)- if the permit is not obtained within that time period the approval expires and becomes null and void. The Building Official may extend the time for action by the applicant for a period of 90 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration the applicant shall resubmit plans and pay a new plan review fee.	Informational	

Office of the Fire Marshal

COA #	Condition of Approval	Condition Milestone	Status
Fire.01	Fire Protection Water Supplies/Fire Flow - Minimum fire flow for the construction of all buildings is required per CFC Appendix B or other approved method. Prior to building permit issuance for new construction, the applicant shall provide documentation to show there exists a water system capable of delivering the required fire flow. Specific design features may increase or decrease the required fire flow. Reference CFC 507.3.	Informational	
Fire.02	Fire Protection Water Supplies/Hydrants - The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with CFC Appendix C and NFPA 24. Fire hydrants shall be located no more than 400 feet from all portions of the exterior of the building along an approved route on a fire apparatus access road, unless otherwise approved by the Fire Department. Fire hydrants shall be at least 40 feet from the building it is serving. A fire hydrant shall be located within 20 to 100 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are 4" x 2 ½" x 2 ½" (super hydrant). Reference CFC 507.5, CFC Appendix C and NFPA 24 7.2.3.	Informational	

COA #	Condition of Approval	Condition Milestone	Status
Fire.03	Fire Department Access - The minimum required turning radius of a fire apparatus access road is 38 feet outside radius and 14 feet inside radius. The construction of the fire apparatus access roads shall be all weather and capable of sustaining 75,000 lbs. Reference CFC 503.1.1, 503.2.1 as amended by the County of Riverside and Riverside County Office of the Fire Marshal Technical Policy #TP22-002.	Informational	
Fire.04	Fire Department Building Construction Permit Review - Submittal of construction plans to the Fire Department will be required. Final fire and life safety conditions will be addressed when the Fire Department reviews these plans. These conditions will be based on California Fire Code, California Building Code (CBC), and related codes/standards adopted at the time of construction plan submittal. Reference CFC 105.1.	Informational	
Fire.05	Fire Sprinkler System - All new commercial buildings and structures 3,600 square feet or larger will be required to install a fire sprinkler system. Reference CFC 903.2 as amended by the County of Riverside.	Informational	
Fire.06	Fire Alarm and Detection System - A water flow monitoring system and/or fire alarm system may be required as determined at time of building construction plan review. Reference CFC 903.4 and CFC 907.2.	Informational	
Fire.07	Traffic Calming Devices - 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. Reference CFC 503.4.1.	Informational	
Fire.08	Dock loading shall not impede fire department access lanes.	Informational	
Fire.09	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.	Informational	
Fire.10	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.	Informational	

Banning Electric Utility

The Department of Banning Electric Utility provides the Conditions of Approval listed herein for the above-mentioned project. Unless otherwise stated, all conditions shall be completed by the applicant at no cost to any government agency. The Applicant may contact the Banning Electric Division at (951) 922-3160 for compliance with the following conditions.

City of Banning

Community Development Department
Conditions of Approval

Electric Engineering Division

COA #	Condition of Approval	Completion Milestone	Status
BEU.ENG.01	The Utility will require adequate easements needed to serve the project. An easement is described as an area behind sidewalk and outside of the boundaries of the right-of-way (R/W). Easements will be required for vaults, conduits, streetlights and pad mounted transformers and switches and any other electric distribution equipment outside of the R/W. Adequate easements will be required to serve all parcels of this project. These easements shall be offered for dedication to the City of Banning for public utility purposes. A non-exclusive easement shall be provided to the City of Banning to include the installation of electric distribution facilities within all common areas.	Informational	
BEU.ENG.02	The Developer will be responsible for the cost of all electric distribution facilities and related infrastructure needed to serve the development's project. The Developer may be required to execute one or more line extension agreements with the City of Banning Electric Utility ("Utility") providing for the installation, construction, improvement, and dedication of the utility system following approval of Tentative Parcel Map.	Informational	
BEU.ENG.03	Areas/Locations will be required for onsite electric distribution equipment, pad mounted transformer(s), vault(s) & service equipment etc. The areas/locations must be sufficient for safe operation and maintenance of the electric utility equipment. The infrastructure installed shall be adequate to support power delivery to each facility within the project. The Developer shall provide and install all conduits, vaults, and other materials associated with electric utility installations. The Utility will provide pad-mounted equipment, cables, and their terminations at the Developer's cost.	Informational	
BEU.ENG.04	All electric utility equipment including but not limited to poles, substructures, transformers, pad mounted switch(es), meter(s) and/or metering equipment shall have adequate working clearances per Utility requirements. Some trees and bushes shown on the landscape plan might be eliminated.	Informational	
BEU.ENG.05	The Utility owns and operates several electric facilities consisting of 69/34.5kV delivery, 12.47kV distribution, and fiber optic communication facilities that surround this project. It will be the Developer's responsibility to facilitate a design and construction for interconnection, relocation, and undergrounding of these utility assets and coordination with the Electric Utility will be required for any said	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	interconnection and relocation to accommodate new building/facility placement or new right-of-way alignment/setback.		
BEU.ENG.06	Streetlight and streetlight infrastructure required by Public Works and/or the City shall be installed by the developer, including any necessary metering equipment, and are assumed to be publicly owned and to be maintained by the Utility.	Informational	
BEU.ENG.07	The Developer is responsible for all electrical utility costs that are directly related to the proposed development for the annexation area.	Informational	
BEU.ENG.08	Issuance of temporary power will be provided in accordance with Utility requirements and as outlined in Mitigation and Monitoring Report Program for the Sunset Crossroads Project (MMRP) section MM-AIR-1.	Informational	
BEU.ENG.09	The Developer will be required to adhere to all requirements and guidelines within the City of Banning Electric Utility General Commercial Service Requirements.	Informational	
BEU.ENG.10	The Utility will require an area up to two (2) acres for a new 34.5kV/12.47kV step-down power transformation substation located at the northerly terminus of Highland Home Road, approximately 500-feet from the SPRR Right-of-Way (R/W), which is currently identified as Parcel 32 within Tentative Parcel Map 38118. The new substation will accommodate the additional loads required by this project. The Developer shall adhere to all responsibilities required for the construction of the electrical substation in accordance with the requirements of the Development Agreement.	Informational	
BEU.ENG.11	Prior to the issuance of a grading permit, electric utility infrastructure backbone plans for this project must be completed.	Prior to Issuance of Granding Permit	
BEU.ENG.12	Prior to constructing the Utility's electric distribution system, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility. It will also be required that the developer follow the Electric Utility Maps & Records requirements. This will allow the utility to assist with the review of distribution plans completed by the Developer and provide a cost estimate(s) to service the project. Design conditions and requirements to serve the project with electricity shall be discussed and reviewed following approval of the Parcel Map.	Prior to Issuance or Electric Utility Improvement Permit	

COA #	Condition of Approval	Completion Milestone	Status
BEU.ENG.13	All final electric plan sets shall include the mitigation measures as provided in MMRP section RCM-AIR-4 regarding SCAQMD Rule 402.	Prior to Issuance or Electric Utility Improvement Permit	
BEU.ENG.14	All final electric plan sets shall include the mitigation measures as provided in MMRP section RCM ENG-1 regarding compliance with Title 13 Section 2449 of the California Code of Regulations and the California Green Building Standard.	Prior to Issuance or Electric Utility Improvement Permit	
BEU.ENG.15	All final electric plan sets shall include the mitigation measures as provided in MMRP section MM NOI-1 regarding noise and hours of work.	Prior to Issuance or Electric Utility Improvement Permit	
BEU.ENG.16	Prior to the issuance of a building permit, electric utility infrastructure (conduits, vaults, etc.) must be completed as well as any temporary or permanent electric infrastructure to supply power to each parcel as constructed. The developer will be required to submit load calculations and execute one or more Electric Service Agreements for each building or parcel.	Prior to Issuance of Building Permit	
BEU.ENG.17	All plans for electric vehicle charging station infrastructure and distributed energy resources must be discussed with the Utility for review and approval.	Informational	
BEU.ENG.18	Applicant shall provide GIS shape files for all potable water lines and appurtenances including service laterals to the Public Works Department for inclusion in the GIS Database.	Informational	

Public Works Department

The Department of Public Works provides the Conditions of Approval listed herein for the above-mentioned project. Unless otherwise stated, all conditions shall be completed by the applicant at no cost to any government agency. The Applicant may contact the Engineering Division at (951) 922-3130 for compliance with the following conditions.

General Conditions

COA #	Condition of Approval	Completion Milestone	Status
PW.General.01	The subject property shall substantially conform to the approved Sunset Crossroads Specific Plan (SP20-2002), General Plan Amendment (GPA20-2501), Zone Change (ZC20-3502), Environmental Impact Report and Mitigation and Monitoring Reporting Program (ENV20-1506), Tentative Parcel Map 38118, and	Informational	

City of Banning

Community Development Department
Conditions of Approval

COA #	Condition of Approval	Completion Milestone	Status
	Sunset Crossroads Development Agreement. The City Engineer may approve minor design modifications to the project plans during the plan check process, if such modifications conform to the provisions of the Banning Municipal Code. Substantial changes shall not be permitted except upon application for, and approval of modification of this entitlement in compliance with all applicable procedures and requirements. Where conflict between these Conditions of Approval and the governing documents listed above exist, the more strict provision shall prevail.		
PW.General.02	Revisions to the approved Tentative Parcel Map 38118 during plan check process; 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 the City Engineer. Changes that are not administratively approved, through the process referenced above and herein shall be amended in accordance with the Subdivision Map Act, as amended and codified within the Banning Municipal Code (BMC).	Informational	
PW.General.03	All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.	Informational	
PW.General.04	The applicant shall comply with the Tentative Parcel Map, Conceptual Grading Plan, Preliminary Hydrologic and Hydraulic Analysis, Preliminary Water Quality Management Plan, Preliminary Geotechnical Investigations, Traffic Impact Analysis, and other relevant technical documents approved during project entitlement with the Environmental Impact Analysis. Any significant omission to the representation of the site conditions may require the plans to be resubmitted for further review and revision.	Informational	
PW.General.05	An Encroachment 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.	Informational	

City of Banning

Community Development Department
Conditions of Approval

COA #	Condition of Approval	Completion Milestone	Status
PW.General.06	Prior to any development within the unincorporated portions of the site, the unincorporated acres in the City's sphere of influence must be formally annexed into the City. The Applicant shall submit proof to the City Engineer that the annexation has been processed and approved by LAFCO. No work may commence if annexation has not been completed.	Informational	
PW.General.07	Prior to issuance of any permit, the Applicant shall submit a construction access plan and schedule for the development of all facilities for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.	Informational	
PW.General.08	If a CFD is considered for this Parcel Map, prior to first COO, the applicant shall either demonstrate that the CFD has already been created or that a CFD application has been submitted and accepted as complete by the City of Banning Financial Services Division and shall include all maps, related Engineers report, and the required information (CFD boundary maintenance areas by location and type, etc.) to the satisfaction of the City Engineer.	Informational	
PW.General.09	A Property Owners Association (POA), as approved by the Community Development Director and the City Engineer, shall be responsible for the maintenance of the public parkways, median island landscaping, slopes adjacent to public rights-of-way, debris basins, detention and retention basins, public parks, linear parks and trails, open space areas, BMP's referenced in the approved WQMP, private storm drains and private storm drain outfalls as required by the City Engineer. The maintenance mechanism shall be established prior to the recordation of the final map. In the event that the Applicant creates a Property Owners Association (POA), the Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Property Owners Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. A recorded copy shall be provided to the City Engineer. The Property Owners Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.	Informational	

City of Banning

Community Development Department
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COA #	Condition of Approval	Completion Milestone	Status
PW.General.10	The conditions, covenants and restrictions shall contain provisions which prohibit dissolution of the Property Owners Association unless another entity has agreed to assume the operation and maintenance responsibilities of the Property Owners Association. The conditions, covenants and restrictions shall contain provisions that prohibit the Applicant and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval unless the subject property is reverted to acreage and the subdivision abandoned.	Informational	
PW.General.11	The applicant is responsible for resolving any conflicts with existing or proposed easements. All easement(s) of record and proposed easements shall be shown on the final map, grading plan, and improvement plans where applicable.	Informational	
PW.General.12	Where survey monuments exist, such monuments shall be protected or shall be referenced and reset, pursuant to the Business and Professions Code, Sections 8700 to 8805 (Land Surveyors Act)	Informational	
PW.General.13	All future utility systems including gas, electric, telephone, water, sewer, and cable TV, shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.	Informational	
PW.General.14	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.	Informational	
PW.General.15	All weather vehicular access shall be maintained at all times to all parts of the proposed subdivision, where construction work is in progress, for emergency vehicles.	Informational	
PW.General.16	All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Applicant.	Informational	

COA #	Condition of Approval	Completion Milestone	Status
PW.General.17	Prior to the release of surety and upon completion of construction, the Applicant 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.	Informational	
PW.General.18	A Mitigation and Monitoring Reporting Program has been established for this project. All conditions in the MMRP shall be implemented with sign off and approvals by the milestones required in the MMRP.	Informational	

Plans and Clearances

The following is a non-inclusive list of items that may be required by the Public Works Department. Unless otherwise authorized in writing by the City Engineer, plans shall utilize the minimum scale specified and shall be drawn on 24”x36” sized paper. Plans should be drawn at a larger scale if additional detail and/or clarity is desired (Note: The applicant may be required to prepare other improvement plans not listed here pursuant to improvement required by other agencies and utility purveyors). 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.
All required plans and studies shall be prepared by a Registered Professional Engineer, Registered Professional Geologist. Registered Professional Landscape Architect or Registered Professional Surveyor in the State of California and submitted to the Public Works Department for review and approval.
The design of public infrastructure elements shall conform to the requirements of these Conditions of Approval, City General Plan, City/Regional Master Plans, City of Banning Grading Manual, City of Banning codes/standards, Standard Specifications for Public Works Construction (current edition), and Caltrans Standards and Specifications at no cost to any governmental agency as required by the City Engineer.
The design of private grading and improvements outside of public right of way shall comply with the City of Banning Grading Manual, Title 18 of the City of Banning Municipal Code, California Building Code, State Water Resources Control Board orders, rules, and regulations, and City of Banning standards and practices.
All off-site plan and profile, street improvement plans, and signing and striping plans shall show all existing improvements for a minimum distance of 200 feet beyond the project limits, and to a distance sufficient to show any required design transitions.
An index map shall be provided on the title sheet of all plan sets showing the overall view of the entire work area.
All plans shall be complete, to the satisfaction of the City Engineer, prior to final map recordation and determination of surety estimates.

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Permit Type	Plan Set	Scale	Notes
Grading	Mass Grading Plan	1" = 100'	
	Rough Grading Plan	1" = 40'	
	Precise Grading Plan	1" = 20'	
	Borrow Pan	1" = 40'	If applicable
	Stockpile Plan	1" = 40'	If applicable
	Retaining Walls	1" = 40'	May be included with any grading plan
	Haul Route	1" = 100'	May be included with any grading plan
	Clearing Plan	1" = 100'	May be included with any grading plan
	Demolition Plan	1" = 100'	May be included with any grading plan
	Erosion and Sediment Control	1" = 40'	Shall be included with any grading plan
Improvement Plans	Street Improvement Plan	1" = 40' Horiz/ 1" = 4' Vertical	May be included with any grading plan
	Signing and Striping Plan	1" = 40'	May be included with any grading plan
	Traffic Signal Plan	1" = 40'	Shall be included with any grading plan
	Traffic Control Plan	1" = 40'	May be included with any grading plan
	Storm Drain Improvement Plan	1" = 40' Horiz/ 1" = 4' Vertical	May be included with any grading plan
	Channel Improvement Plan	1" = 40' Horiz/ 1" = 4' Vertical	Shall be included with any grading plan
	Potable Water Plan	1" = 40' Horiz/ 1" = 4' Vertical	May be included with any grading plan
	Non-Potable Water Plan	1" = 40' Horiz/ 1" = 4' Vertical	May be included with any grading plan
	Sewer Plan	1" = 40' Horiz/ 1" = 4' Vertical	Shall be included with any grading plan
	MNZ Reservoir Plans	As directed	May be included with any grading plan
Final Maps	Final Map	1" = 40'	
	Easement Dedications		
	Corner Records		
	Records of Survey		
Technical Studies	Geotechnical Report		
	Fault Hazard Report		

Permit Type	Plan Set	Scale	Notes
	Liquefaction Hazard Report		
	Dust Control and Prevention Plan (PM10)		
	Compaction Report		
	Hydrologic and Hydraulic Report		
	Flood Hazard Report		
	CLOMR/LOMR		
	Sewer Capacity Study		
	Traffic Impact Analysis		
	Water Quality Management Plan (WQMP)		
	Water Supply Assessment		
Permits and Agreements	Permission to Grade		
	Construction Agreements		
	BMP Agreement		
	Landscape Maintenance Agreement		
	Subdivision/Improvement Agreement		
	Performance Bonds		
	Labor and Material Bond		
	Maintenance Bond		
	Non-Interference Letter		
	Regional Water Quality Control Board Permits		
	USFWS/CDFW Permits		
Certifications	Grading Certifications		
	Pad Certifications		

Final Map

COA #	Condition of Approval	Completion Milestone	Status
PW.Map.01	The submittal, approval, and recordation of the Final Map shall be in accordance with the provisions of the State Subdivision Map Act and Title 16, Subdivisions, of the Banning Municipal Code.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Map.02	Applicant may submit multiple final maps for phased construction activities.	Informational	
PW.Map.03	The Final Map shall have adequate reservations for public ingress and egress as well as public and/or private utility easements and abandonment of existing utility easements to the satisfaction of the City Engineer. The applicant shall be responsible for contacting all utility providers to establish appropriate easements required to provide services to each development area.	Informational	
PW.Map.04	The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed with the County Surveyor simultaneously with the final map and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET. As required by the City Engineer, the sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: **archaeological sites**, **geologic hazard mapping**, grading, building, building setback lines, **flood hazard zones**, **seismic lines and setbacks**, **fire protection**, water availability, sewage disposal, **environmental easements**, **environmental reservations**.	Informational	
PW.Map.05	Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights may include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements as directed by the City	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	Engineer. All costs associated with acquiring rights-of-way or easements shall be borne by the applicant.		
PW.Map.06	In the event that the applicant in unsuccessful in acquiring necessary property rights outside the project/development, the City will consider and potentially act on the option to acquire through eminent domain. Permits (or portions of permits) that are not affected by ROW acquisition will not be held up during the property acquisition or eminent domain process.	Informational	
PW.Map.07	During the improvement plan checking process, turning radius template checks shall be submitted for access to all storm drain facilities, open space, and other utility easements that are accessed from a publicly accessible paved street. These templates shall clearly show that the easements are sufficient for full access under emergency conditions. The City of Banning's review of the easements shall include appropriateness of the vehicle turning radius, easement slopes and easement widths. Additional easement widths shall be required when the design vehicle is likely to use outriggers or other means of load stabilization.	Informational	
PW.Map.08	Any public right-of-way or streets to be vacated from public use, pursuant to Street and Highway Codes Sections 8300 through 8363, shall conform to the complete vacation procedure and show specific circulation alternative, where required. All street vacations shall be shown on the final map.	Informational	
PW.Map.09	All public facilities including sewer, water, reclaimed water and drainage shall be located in a public right of way or public utility easement. All final maps shall include appropriate easements per the approved tentative map and as required by the City Engineer and/or other agency maintaining public facilities. All easements shall meet minimum width and access requirements as mandated by the City or governing agency.	Informational	
PW.Map.10	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.	Informational	
PW.Map.11	A map of the proposed subdivision drawn at 1”=200’ showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Map.12	The Applicant shall be responsible for research on private utility lines (Gas, Edison, Telephone, Cable, Internet, etc.) to ensure there are no conflicts with site development. All existing on-site utility lines that conflict with this project shall be relocated, removed, or sealed to the satisfaction of the City Engineer.	Informational	
PW.Map.13	The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or unless such easements do not conflict with the City's intended purposes or uses. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.	Informational	
PW.Map.14	The applicant, at its sole expense, shall obtain all right of way or easement acquisitions necessary to implement any portion of condition of this project, including public improvements, off-site grading and construction, offsite street requirements, offsite public utility requirements, storm drain improvements, or any other requirement of these conditions.	Prior to Final Map Recordation	
PW.Map.15	The applicant shall provide an easement over, across, and which provides ingress and egress to all private water quality, stormwater, drainage basins, public water facilities, public sewer facilities, public electric facilities, and fire department access to be dedicated to the City, for ingress, egress, and right to inspect, repair, remove, and replace unless otherwise directed by the City Engineer.	Prior to Final Map Recordation	
PW.Map.16	The applicant shall offer for dedication on the Final Map, within Final Map boundaries, all public street right-of-way and public utility easements in conformance with project entitlement documents. The City may reject the dedications and leave them open for future acceptance when all required public street improvements for the map are installed by the applicant in the rights of way.	Prior to Final Map Recordation	
PW.Map.17	The Applicant shall dedicate right-of-way or provide temporary easements beyond either the phased construction and/or Parcel Map boundary required to provide utility service, public and/or emergency vehicular ingress and egress access to the nearest paved and publicly maintained street as follows:	Prior to Final Map Recordation	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Map.18	The applicant shall offer to dedicate to the City of Banning additional Right of Way as necessary to provide the total right of way described below: Lincoln Street - 78' Right of Way Bobcat Road - Min. 39' Half Width Right of Way Highland Home Road (south of Sun Lakes Boulevard) - 33' Half Width Right of Way Highland Home Road (north of Sun Lakes Boulevard) - 88' Right of Way Sunset Ave (south of Sun Lakes Boulevard) - 88' Right of Way Sunset Ave (north of Sun Lakes Boulevard) - 110' Right of Way Sun Lakes Boulevard - 110' Right of Way All offers of dedication shall include the corner cut-back at all intersections. Corner cutbacks at intersections that will be utilized by trucks shall include truck turn templates to verify cutback dimensions. Additional right of way may be required for intersection configurations or roadway transitions. Additional right of way shall be offered on the final map at no cost to the City of Banning. Where additional right of way is necessary, improvement plans shall be reviewed and approved showing these requirements prior to final map recordation.	Prior to Final Map Recordation	
PW.Map.19	Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows: Faithful Performance Bond 1 100% of estimated cost Labor and Material Bond 1 100% of estimated cost Monumentation Bond - In the amount as supplied by the Record Engineer/Land Surveyor and as approved by the City Engineer 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.	Prior to Final Map Recordation	
PW.Map.20	The City and the applicant are to enter into a Subdivision Improvement Agreement to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans.	Prior to Final Map Recordation	
PW.Map.21	The applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a	Prior to Issuance of any	

COA #	Condition of Approval	Completion Milestone	Status
	conceptual fuel modification plan and program, unless the City of Banning Fire Marshall ("Fire Marshall") finds in writing to the City that such plan and program are not required for development of the property within the boundaries of this Final Map. Prior to the issuance of the first certificate of occupancy, within the lots affected by said fuel modification plans, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.	Construction Permit	
PW.Map.22	The applicant shall verify and/or set all property corners, r/w corners, and centerline monuments. Subsequently, the applicant shall cause the surveyor to file the appropriate documents and records to the County of Riverside.	Prior to Release of Surety	
PW.Map.23	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.	Prior to Release of Surety	
PW.Map.24	The Applicant shall comply with Assembly Bill 1414, which was enacted on January 1, 1995, and amended Section 8771 of the Business and Professions Code of the Land Surveyors Act. Assembly Bill 1414 requires that two (2) corner records be filed when: •1Monuments exist that control the location of subdivisions or tracts, streets or highways; or provides survey control. The monuments are located and referenced by a licensed Land Surveyor before any streets or highways are reconstructed or relocated. The corner record(s) of the references are filed with the County Surveyor. •1Monuments are reset in the surface of the new construction and a corner record is filed with the County Surveyor before recording of a Certificate of Completion for the project.	Prior to Release of Surety	
PW.Map.25	Permanent survey monuments shall be set at the intersection of street centerlines, beginning, and end of curves in centerlines, and at other locations designated by the Director of Public Works and City Engineer. All other centerline monuments shall be placed in	Prior to Release of Surety	

COA #	Condition of Approval	Completion Milestone	Status
	accordance with standard survey practice. A complete set of street centerline ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of the monumentation bond.		

Grading

COA #	Condition of Approval	Completion Milestone	Status
PW.Grade.01	The applicant shall comply with Title 18 of the Banning Municipal Code "Grading, Erosion, and Sediment Control", the City of Banning Grading Manual, California Building Code related to excavation and grading, and State Water Resources Control Board orders, rules, and regulations.	Informational	
PW.Grade.02	Grading work shall be balanced on-site, wherever possible. If export is required as a result of the final grading plan, then measures will be taken to be in compliance with the applicable City of Banning Ordinances at time of final grading plan approval.	Informational	
PW.Grade.03	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 within the property boundaries, or within drainage devices and easements obtained by the applicant.	Informational	
PW.Grade.04	Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions. The Applicant shall submit design calculations and obtain permits for all perimeter and retaining walls from the Building and Safety Department.	Informational	
PW.Grade.05	Impacts to jurisdictional streams, creeks and drainages shall be reviewed and approved by the appropriate regulatory agencies with jurisdiction in this area and will require the appropriate required permits issued. Long term regular maintenance and operation of drainage improvements, such as detention basins, shall be included in the initial regulatory permitting applications.	Informational	
PW.Grade.06	A Grading Plan and Erosion Control Plan shall be submitted to the City Engineer for review and approval.	Prior to Issuance of a Grading Permit	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Grade.07	The grading plan shall identify existing easements within the development area. If any grading work impacts easements outside of the City of Banning jurisdiction, a copy of the encroachment permit for the easement holder shall be provided to the City Engineer and noted on the grading plan.	Prior to Issuance of a Grading Permit	
PW.Grade.08	The grading plan shall identify environmental mitigation areas on the plan. Proof of permits from Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board shall be provided prior to any grading work and noted on the grading plan.	Prior to Issuance of a Grading Permit	
PW.Grade.09	Grading Plan shall provide developed phases with required flood protection. Flood protection shall be determined by the size of the undeveloped areas and the flow patterns. Mapped flood plain limits shall be shown on the grading plan.	Prior to Issuance of a Grading Permit	
PW.Grade.10	Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows during construction.	Prior to Issuance of a Grading Permit	
PW.Grade.11	Within park areas or areas accessible to the public, detention/retention basins will be protected from public entry as required.	Prior to Issuance of a Grading Permit	
PW.Grade.12	The applicant shall submit a PM10 Management Plan for construction operations to the City Engineer and/or SCAQMD for review and approval.	Prior to Issuance of a Grading Permit	
PW.Grade.13	The applicant shall submit a construction haul route plan to the City Engineer for review and approval. Deviation during construction from the approved plan shall constitute a violation of the conditions of the grading permit.	Prior to Issuance of a Grading Permit	
PW.Grade.14	A soils report and geotechnical study shall be submitted in conjunction with the grading plan with further analyses of on-site soil conditions and appropriate measures to control erosion and dust. Any issues or recommendations provided in the report shall be addressed to the satisfaction of the City Engineer. The responsible geotechnical engineer shall sign and stamp all grading plans indicating the plan complies with the recommendations of the comprehensive soils and geotechnical report.	Prior to Issuance of a Grading Permit	
PW.Grade.15	The applicant shall retain a qualified archeologist, paleontologist, and biologist for observation of grading and excavation activities in accordance with the approved mitigation program.	Prior to Issuance of a Grading Permit	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Grade.16	A grading permit shall be obtained from the Public Works Department prior to the commencement of any grading work.	Prior to Issuance of a Grading Permit	
PW.Grade.17	Construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site. Staging areas shall be screened from view from adjacent properties. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.	Prior to Issuance of a Grading Permit	
PW.Grade.18	As required in MMRP **MM AIR-1**, please include the following note and designated area Grading Plans: "Plans submitted for grading permit issuance shall specify a designated area of the construction site where electric or non-diesel vehicles, equipment, and tools can be field or charged.	Prior to Issuance of a Grading Permit	
PW.Grade.19	As required in MMRP **RCM AIR-2**, please include the following note on Grading Plans: All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.	Prior to Issuance of a Grading Permit	
PW.Grade.20	As required in MMRP **RCM AIR-4**, please include the following note on Grading Plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Issuance of a Grading Permit	
PW.Grade.21	As required in MMRP **MM BIO-1**, please include the following note on Grading Plans: Construction Guidelines. Construction activities will follow the Construction Guidelines found in Volume 1, Section 7.5.3 of the MSHCP	Prior to Issuance of a Grading Permit	

COA #	Condition of Approval	Completion Milestone	Status
PW.Grade.22	As required in MMRP **MM BIO-5**, please include the following note on Grading Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to Issuance of a Grading Permit	
PW.Grade.23	As required in MMRP **MM BIO-7**, please include the following note on Grading Plans: Burrowing Owl Impacts. To avoid direct and indirect impacts to burrowing owl, a pre-construction survey shall be conducted in areas to be disturbed by a qualified biologist within 30 days prior to ground disturbance at the Development Site and submitted to the City. If construction activities occur during the breeding season (February 1 through August 31) and burrowing owl is determined to be present within any portion of the Development Site during the pre-construction survey, consultation with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) shall take place, and no construction activity shall take place within a 300-foot buffer zone. This buffer area may be reduced at the discretion of the biological monitor in consultation with CDFW and/or USFWS, until it has been determined that the nest/burrow is no longer active and all juveniles have fledged the nest/burrow. To avoid active nests, no grading or heavy equipment activity shall take place in the buffer zone during the breeding season (February 1 through August 31). If construction activities cannot avoid the nesting season and an occupied burrow is identified in a proposed development area, the burrows shall be avoided or the owls passively relocated. A Burrowing Owl Protection and Relocation Plan will be required and is included under MM BIO-8.	Prior to Issuance of a Grading Permit	
PW.Grade.24	As required in MMRP **MM BIO-8**, please include the following note on Grading Plans: Burrowing Owl Protection and Relocation Plan. Within 90 days of the commencement of grading, a Burrowing Owl Protection and Relocation Plan would be drafted and reviewed by CDFW to ensure MSHCP guidelines for protection and/or relocation are followed. As part of that plan, one-way doors shall be installed as part of a	Prior to Issuance of a Grading Permit	

COA #	Condition of Approval	Completion Milestone	Status
	passive relocation program. Burrowing owl burrows shall be hand-excavated by a qualified biologist when determined to be unoccupied and backfilled to ensure animals do not re-enter. Disturbance to active burrows shall be minimized to the extent feasible. If three or more pairs of burrowing owl are identified, MSHCP guidelines require additional conservation land be set aside to off-set the significant impacts to burrowing owl in a project site outside of a cell criteria area. In all scenarios, including the detection of additional burrowing owls, mitigation and equivalency will be achieved through the Development Project following all MSHCP guidelines and the direction of the Environmental Programs Department, Western Riverside County Regional Conservation Authority, and/or the Wildlife Agencies.		
PW.Grade.25	As required in MMRP MM **BIO-9**, please include the following note on Grading Plans: Los Angeles Pocket Mouse. Prior to commencement of grading, nighttime trapping surveys will occur in areas within the known habitat and other areas providing the key constituent habitat elements based on historical surveys and those conducted for the Development Project, in riparian areas (the three identified drainage features) and adjacent upland habitat that will be permanently impacted by the Development Project. An exclusion fence will be installed along the perimeter of the construction footprint associated with the drainage crossings. Trapping and relocation of LAPM shall be performed immediately prior to grading or other construction on the Development Site within areas known to be occupied by LAPM within the existing drainage features and/or uplands. Where new roads cross the riparian corridors, under crossings suitable for safe passage of wildlife will be constructed. The exclusion fencing will be monitored through construction activities within suitable habitat to ensure animals do not return. Restoration of a total of 3.21 acres of Development Site riparian habitat would bring project related impacts to a level that allows for 90 percent conservation of suitable habitat within the Development Site. Mitigation and equivalency may be achieved through the conservation of 7.92 of 8.99 acres of riparian/riverine lands on the Development Site as well as a surrounding buffer of approximately 32.58 acres, including the use of a deed restriction and/or conservation easement (see MM BIO-15 below). As part of the restoration effort, all non-native invasive species, such as tamarisk,	Prior to Issuance of a Grading Permit	

COA #	Condition of Approval	Completion Milestone	Status
	arundo, and pampas grass, will be removed prior to any seeding or planting of native species.		
PW.Grade.26	As required in MMRP **MM BIO-10**, please include the following note on Grading Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).	Prior to Issuance of a Grading Permit	
PW.Grade.27	As required in MMRP **MM BIO-11**, please include the following note on Grading Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Issuance of a Grading Permit	
PW.Grade.28	As required in MMRP **MM BIO-11**, please include the following note on Grading Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Issuance of a Grading Permit	

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PW.Grade.29	As required in MMRP **MM BIO-14**, please include the following note on Grading Plans: If habitat mitigation on the Project Site or at land contributed by the applicant is the selected means of mitigation, then as part of the restoration effort, a Habitat Restoration and Monitoring Plan (HRMP) will be prepared by a qualified restoration consultant and will be reviewed and approved by the City prior to commencement of construction activities on the Project Site. Report Title: Prepared By: Approved Date:	Prior to Issuance of a Grading Permit	
PW.Grade.30	As required in MMRP **MM CUL-1**, please include the following note on Grading Plans: The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. 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 "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on 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 a Grading Permit	
PW.Grade.31	As required in MMRP **MM CUL-2**, please include the following note on Grading Plans: 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 the Consulting Tribe(s). Report Name: Prepared By: Approved Date:	Prior to Issuance of a Grading Permit	
PW.Grade.32	As required in MMRP **MM CUL-3**, please include the following note on Grading Plans: Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities in	Prior to Issuance of a Grading Permit	

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	accordance with MM CUL-5 to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times. Agreement Date:		
PW.Grade.33	As required in MMRP **MM CUL-4**, please include the following note on Grading Plans: In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health 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 applicant shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed.	Prior to Issuance of a Grading Permit	
PW.Grade.34	As required in MMRP **MM CUL-5**, please include the following note on Grading Plans: In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground- disturbing activities shall stop (within a 100-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 fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. 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. • 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	Prior to Issuance of a Grading Permit	

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	form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.		
PW.Grade.35	As required in MMRP **MM CUL-6**, please include the following note on Grading Plans: Any and all cultural documents created as a part of the Development 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 the Consulting Tribe.	Prior to Issuance of a Grading Permit	
PW.Grade.36	As required in MMRP **MM ENG-1**, please include the following note on Grading Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:	Prior to Issuance of a Grading Permit	
PW.Grade.37	As required in MMRP RCM GEO-2, please include the following note on Grading Plans: Prior to the issuance of grading and/or building permits, the Applicant shall provide evidence to the City for review and approval that proposed structures, features, facilities,	Prior to Issuance of a Grading Permit	

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	and earthworks to be constructed on the Development Site have been designed to conform to applicable provisions of the California Building Code and other applicable Codes (per BMC Chapter 15.08) in effect at the time of development application as well as the design recommendations detailed in the final geologic and geotechnical review. Additionally, the Applicant shall provide evidence to the City that the recommendations cited in a project-specific final geologic and geotechnical review are incorporated into project plans and/or implemented as deemed appropriate by the City. The final geologic and geotechnical review recommendations may include, but are not limited to, removal of existing vegetation, utilities, and any other surface and subsurface improvements that would not remain in place for use with the structures constructed on the Development Site. Remedial earthwork, over-excavation, and ground improvement shall occur to depths specified in the final geologic and geotechnical review to provide a sufficient layer of engineered fill or densified soil beneath structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the Final Geotechnical Assessment to protect against lateral spreading and on-site landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building flood slabs based on the imposed slab loading. The recommendations of the Final Geotechnical Assessment shall be implemented to the satisfaction of the City's Building and Safety Director or designee. Report Name: Prepared By: Approval Date: These plans have been completed in accordance with the Final Project Geotechnical Report and are consistent with findings and recommendations in the report. Geotechnical Engineer Signature:		

COA #	Condition of Approval	Completion Milestone	Status
PW.Grade.38	As required in MMRP RCM WQ-1, please include the following note on Grading Plans: Prior to commencement of construction activities, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), NPDES No. CAS000002, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including permit application fees, a Notice of Intent (NOI), a risk assessment, a site plan, a Storm Water Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained for the Development Project from the SMARTS and provided to the Director of the City of Banning Public Works Department, or designee, to demonstrate that coverage under the Construction General Permit has been obtained. Development Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of an SWPPP and implementation of construction site Best Management Practices (BMPs) to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level identified for the Development Project. The SWPPP shall identify the sources of pollutants that may affect the quality of storm water and shall include BMPs (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs) to control the pollutants in storm water runoff. Upon completion of construction activities and stabilization of the Development Site, a Notice of Termination shall be submitted via SMARTS.	Prior to Issuance of a Grading Permit	
PW.Grade.39	As required in MMRP RCM WQ-3, please include the following note on Grading Plans: Prior to issuance of a grading permit, the Applicant shall submit a Final Water Quality Management Plan (WQMP) to the Director of the City of Banning Public Works Department or designee for review and approval. The		

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	Final WQMP shall specify: 1) the BMPs to be incorporated into the Development Project design to target pollutants of concern in runoff from the Development Site and from each proposed land use; 2) the target pollutant(s) to be captured from each building/land use and treated by each BMP; 3) the metric for ensuring the BMP is addressing the target pollutant(s) of concern; 4) the necessary operation and maintenance activity for each BMP; and 5) the specific action to be taken if it is determined that the BMP is not meeting its intended goal(s). The Final WQMP shall also incorporate the results of the Final Hydrology and Hydraulic Analyses to demonstrate that the detention facilities meet the hydromodification requirements of the Whitewater River Watershed MS4 Permit. The Director of the City of Banning Public Works Department, or designee, shall ensure that the BMPs specified in the Final WQMP are incorporated into the final Development Project design. Prior to Issuance of a Grading Permit		
PW.Grade.40	As required in MMRP MM GEO-1, please include the following note on Grading Plans: Paleontological Resources Monitoring. All mass grading, excavation, drilling, and trenching activities within the old alluvial fan deposits (“Qof”), which underlie the majority of the Development Site, starting at the surface shall be monitored full-time by a qualified paleontological monitor for paleontological resources. Prior to initiation of any grading, drilling, and/or excavation activities, a pre-construction meeting shall be held and attended by the paleontologist of record, the grading contractor and subcontractors, the Development Site applicant, and a representative of the lead agency. The nature of potential paleontological resources shall be discussed, as well as the protocol that is to be implemented following discovery of any fossiliferous materials. For earthmoving within young alluvial fan deposits (“Qyf”) and young alluvial valley deposits (“Qya”) mapped at the Development Site, periodic “spot check” monitoring shall be conducted, consisting of approximately one to three scheduled site visits per week by a qualified paleontological monitor during construction ground disturbance. If fossils are discovered, full-time monitoring for paleontological resources shall be warranted. In the field, the primary monitor or the monitors under the direction and supervision of the site-specific paleontologist shall be the responsible persons on site with the assigned authority and responsibility to control all	Prior to Issuance of a Grading Permit	

COA #	Condition of Approval	Completion Milestone	Status
	grading operations that might adversely affect any salvage efforts. All paleontological monitors shall immediately notify all concerned parties (client and lead agency [i.e., the City of Banning]) at the time of any discovery. The City of Banning shall ensure that the recommendations from the qualified, professional paleontologist shall be followed by the Applicant/Developer.		
PW.Grade.41	As required in MMRP RCM WQ-4, please include the following note on Grading Plans: Prior to issuance of a grading permit, the Applicant shall submit a Final Hydrology and Hydraulic Analyses to the Director of the City of Banning Public Works Department, or designee, and the Riverside County Flood Control and Water Conservation District for review and approval. The Final Hydrology and Hydraulic Analyses shall be prepared consistent with the requirements of the Riverside County Flood Control and Water Conservation District Hydrology Manual and the Riverside County Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development, and Phase I MS4 Permit R7-2013-0011. The Director of the City of Banning Public Works Department, or designee, shall ensure that the drainage facilities specified in the Final Hydrology and Hydraulic Analyses are incorporated into the final Development Project design.	Prior to Issuance of a Grading Permit	
PW.Grade.42	As required in MMRP MM HYD-1, please include the following note on Grading Plans: Prior to the issuance of a grading permit(s) for roadway work in or adjacent to the proposed Lincoln Street creek crossings, the Applicant shall submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval. As appropriate, the submittal may include equivalent detail on alternative proposals for the proposed creek crossings. The sediment transport and scour analysis shall identify pre- project conditions associated with channel morphology, hydrologic flow patterns, existing sedimentation and scouring, sediment size, and depth at each crossing. These same attributes will be analyzed based on post-project conditions to determine if there are any substantial changes to the existing conditions. The purpose of the sediment transport and scour analysis is to compare the functions and values of the drainage features in the pre- and post-project conditions and to ensure that following	Prior to Issuance of Grading Permit	

COA #	Condition of Approval	Completion Milestone	Status
	construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossings. Report Name: Prepared By: Approved Date:		
PW.Grade.43	As required in MMRP MM NOI-1, please include the following note on Grading Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction.	Prior to Issuance of Grading Permit	

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	During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.		
PW.Grade.44	As required in MMRP **RCM AIR-1**, include the following note on the Erosion and Sediment Control Plan: SCAQMD Rule 403. During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures by using the following procedures, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 during construction. The applicable Rule 403 measures are as follows: • Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more). • Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving). • Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. • Pave construction access roads at least 100 feet (30 meters) onto the site from the main road. • Reduce traffic speeds on all unpaved roads to 15 mph or less.	Prior to Issuance of a Grading Permit	
PW.Grade.45	As required in MMRP **MM BIO-2**, include the following note on the Erosion and Sediment Control Plan: Equipment Staging. Equipment and vehicle storage, fueling, and material staging and storage will be in previously paved or previously disturbed, upland areas with no risk of direct drainage into riparian/riverine areas	Prior to Issuance of a Grading Permit	

COA #	Condition of Approval	Completion Milestone	Status
	or other sensitive habitats. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into riparian/riverine areas. Secondary containment should be used under all motorized vehicles stored in the vicinity of the riparian/riverine areas (within 100 feet). Spill prevention kits shall be stored on-site in case of any type of hazardous materials spill. Development Project related spills of hazardous materials shall be reported to appropriate entities and shall be cleaned up immediately with contaminated soils removed to approved disposal areas.		
PW.Grade.46	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.	Prior to Issuance of a Building Permit	
PW.Grade.47	The applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.	Prior to Issuance of a Building Permit	
PW.Grade.48	The applicant shall provide a Final Grade Certification. The certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall show actual building setbacks, swales, drainage devices, and other items shown in conformance with the approved Precise Grading Plan.	Prior to Certificate of Occupancy	

Stormwater/Water Quality

COA #	Condition of Approval	Completion Milestone	Status
PW.Storm.01	The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code.	Informational	
PW.Storm.02	The applicant shall 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	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	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 criterion is exceeded, additional drainage facilities shall be designed and constructed.		
PW.Storm.03	The proposed drainage improvement plans shall be designed such that drainage facilities will maintain or reduce the 100-year peak runoff rates presently exiting all Project boundaries. The Project will use on-site detention basins to reduce the storm water flows to or below the existing condition flows prior to their discharge to areas located downstream of the project. The project shall be designed to detain the 100 year 3 hour storm. Detention facilities shall have a maximum draw down time of 72 hours.	Informational	
PW.Storm.04	Applicant shall submit drainage improvement plans for the proposed subdivision with the accompanying hydrology and hydraulic analysis and shall be designed per the RCFC&WCD Hydrology Manual and the City of Banning flood control standards. Finalized studies shall verify the size of flood control facilities. Plans shall be submitted to RCFC&WCD and/or the City of Banning for review and approval for facilities that are to be owned and/or maintained by RCFC&WCD.	Informational	
PW.Storm.05	If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the applicant 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.	Informational	
PW.Storm.06	The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA may require a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Storm.07	Trash Capture Devices are designed to keep trash, sediment, and debris from entering the City's storm sewer system including its' curb and gutters. The proposed project is in a "Priority Land Use" area (defined as: high-density residential areas (starting from 10 dwellings units/acre), Industrial areas (manufacturers, storage warehouses, distribution centers, junkyards), Commercial areas (populated consumer areas where goods and services are exchanged), Mixed-use areas (areas where high-density residential, industrial, and commercial intermix), and Public Transportation areas (property drains to or from bus stops)). Therefore, the developer shall install, operate, and maintain a "Full Capture" trash treatment control device for all storm drain systems (catch basins, inlets, etc.) on the property that capture runoff from the Priority Land Use area to comply with Trash Amendments/Provisions as defined by the SWRCB. The full capture system/device shall be selected from the SWRCB's approved Certified "Full Capture Systems" list and shall also be approved by the City Engineer. If the project does not require a WQMP but is in a "Priority Land Use" area, a BMP Maintenance Agreement shall be prepared and executed with the City to ensure proper operation and maintenance of the full capture system/device and an annual self-inspection report shall be submitted to the Engineering Division.	Informational	
PW.Storm.08	Stormwater basins within the specific plan shall be privately maintained. Any public storm drain with connection to a private stormwater basin shall include easements for public access and maintenance of the drainage device.	Informational	
PW.Storm.09	Any stormwater basin outlet pipe without a direct connection to a City of Banning accepted storm drain or culvert shall be privately maintained.	Informational	
PW.Storm.10	Easements to the City of Banning over storm drain basins and outlets shall be provided in accordance with the Stormwater Facilities Management Agreement.	Informational	
PW.Storm.11	Applicant has requested ability to construct any proposed development area at any time. Applicant will construct stormwater and drainage improvements required to serve that planning area in full ultimate locations, including laterals to serve future development areas. Please refer to COA Exhibits for the development areas listed below: Development Area 1 - PW.Storm.Exb05	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	Development Area 2 - PW.Storm.Exb010 Development Area 3 - PW.Storm.Exb015 Development Area 4 - PW.Storm.Exb020 Development Area 5 - PW.Storm.Exb025 Development Area 6 - PW.Storm.Exb030 Development Area 7 - PW.Storm.Exb035 Development Area 8 - PW.Storm.Exb040 Development Area 9 - PW.Storm.Exb045		
PW.Storm.12	The applicant shall prepare a Final Water Quality Management Plan in accordance with the California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011. The WQMP shall identify if the project meets the criteria of a Priority Development Project and identify project Site Design BMP's and Treatment Control BMP's as applicable. The WQMP shall be reviewed and approved by the City Engineer.	Prior to the Issuance of a Grading Permit	
PW.Storm.13	The applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.	Prior to the Issuance of a Grading Permit	
PW.Storm.14	If this project includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone, a conditional letter of map revision (CLOMR) shall be processed through FEMA and provided to the City Engineer.	Prior to the Issuance of a Grading Permit	
PW.Storm.15	The applicant shall identify and include in its improvement plans structural and non-structural Best Management Practices (BMP's) as outlined in the Final Water Quality Management Plan (WQMP).	Prior to the Recordation of a Final Map	
PW.Storm.16	Drainage easements, as necessary, shall be shown and dedicated to the City of Banning on the Final Map.	Prior to Recordation of Final Map	
PW.Storm.17	As required in MMRP **RCM AIR-4**, please include the following note on Drainage plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	which endangers the comfort or repose of any such persons, or the public.		
PW.Storm.18	As required in MMRP **MM BIO-5**, please include the following note on Drainage Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to the Issuance of an Encroachment Permit	
PW.Storm.19	As required in MMRP **MM BIO-10**, please include the following note on Drainage Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).	Prior to the Issuance of an Encroachment Permit	
PW.Storm.20	As required in MMRP **MM BIO-11**, please include the following note on Drainage Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to the Issuance of an Encroachment Permit	

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PW.Storm.21	As required in MMRP **MM BIO-12**, please include the following note on Drainage Plans: During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.	Prior to the Issuance of an Encroachment Permit	
PW.Storm.22	As required in MMRP **MM BIO-16**, please include the following note on Drainage Plans: Sediment Transport and Scour Analysis: The Project proposes to construct concrete-lined box culverts at two drainage crossings on the Project Site. To avoid significant changes to downstream sediment transport and deposition, floodplain modification, and potential streambed aggradation or incision above and below each of the proposed stream crossings consistent with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the applicant shall prepare and submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval prior to construction of any drainage crossing on the Project Site. Report Title: Prepared By: Approved Date:	Prior to the Issuance of an Encroachment Permit	
PW.Storm.23	As required in MMRP **RCM ENG-1**, please include the following note on Drainage Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction	Prior to the Issuance of an Encroachment Permit	

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	material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:		
PW.Storm.24	As required in MMRP RCM HYD-1, please include the following note on Grading Plans: Prior to the issuance of a grading permit(s) for roadway work in or adjacent to the proposed Lincoln Street creek crossings, the Applicant shall submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval. As appropriate, the submittal may include equivalent detail on alternative proposals for the proposed creek crossings. The sediment transport and scour analysis shall identify pre- project conditions associated with channel morphology, hydrologic flow patterns, existing sedimentation and scouring, sediment size, and depth at each crossing. These same attributes will be analyzed based on post-project conditions to determine if there are any substantial changes to the existing conditions. The purpose of the sediment transport and scour analysis is to compare the functions and values of the drainage features in the pre- and post-project conditions and to ensure that following construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossings.	Prior to the Issuance of an Encroachment Permit	

City of Banning

Community Development Department
Conditions of Approval

COA #	Condition of Approval	Completion Milestone	Status
	Report Name: Prepared By: Approved Date:		
PW.Storm.25	As required in MMRP **MM HYD-2**, please include the following note on Drainage Plans: Prior to City approval of roadway improvement plans for Lincoln Street, including the proposed Lincoln Street crossings, the Applicant shall submit evidence to the City that the Lincoln Street crossings of Pershing and Smith Creeks have been designed to avoid impacts to or, if impacted, to maintain the development transport capacity identified in the approved sediment transport and scour analysis required under Mitigation Measure HYD-1.	Prior to the Issuance of an Encroachment Permit	
PW.Storm.26	As required in MMRP MM NOI-1, please include the following note on Drainage Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible	Prior to Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.		
PW.Storm.27	If this project includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone, a letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.	Prior to Certificate of Occupancy	
PW.Storm.28	Applicant shall make pipeline repairs necessary as identified by the City Engineer or City Inspector for City acceptance of facilities.	Prior to Release of Surety	
PW.Storm.29	Applicant shall provide GIS shape files for all roadway centerlines to the City of Banning Public Works Department for inclusion in the GIS database.	Prior to Release of Surety	

Streets and Traffic

COA #	Condition of Approval	Completion Milestone	Status
PW.Street.01	All street designs shall comply with City of Banning standard drawings where available. If no City standard is available applicant may select standards in the following order: 1 - City of Banning Standards 2 - Riverside County Standard Drawings 3 - 'Greenbook' Standard Drawings 4 - Caltrans Standard Drawing 5 - Other published standards, subject to approval from the City Engineer. Any standard drawing other than City of Banning standards shall be included on the improvement plan set as reference.	Informational	
PW.Street.02	All street designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transitions to existing street sections.	Informational	
PW.Street.03	Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.	Informational	

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PW.Street.04	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.	Informational	
PW.Street.05	Applicant's geotechnical engineer shall provide the design of the pavement section and field measured "R-Values" based upon the Caltrans Method.	Informational	
PW.Street.06	Street pavement design shall take into account the subgrade soil strength, the projected traffic loading, and have a design life of 20 years.	Informational	
PW.Street.07	Minimum AC Thickness for any roadway shall be 4" AC, completed in at least 2 lifts. For intract roadways, final lift shall be a 0.15-foot cap completed after onsite construction is completed.	Informational	
PW.Street.08	A minimum of 32' of asphalt pavement are required for all new roadways. For LOCAL, COLLECTOR, DIVIDED COLLECTOR, and SECONDARY HIGHWAYS, applicant shall provide additional pavement opposite the street centerline of the project to meet the 36' pavement requirement.	Informational	
PW.Street.09	A minimum width of 20 feet for a paved or all weather emergency access.	Informational	
PW.Street.10	Applicant shall provide horizontal and vertical site distance calculations per Riverside County transportation and Caltrans Standards for review and approval by the City Engineer. Safe horizontal traffic sight distances and vertical curve sight distances shall be maintained regardless of street intersection angles, street grades, landscaping, or the lot configuration shown on the approved tentative tract map, as follows: • All vertical curve sight line design shall be per the Caltrans Design Manual (Figures 201-latest, Topic 405-latest, et al). The vertical curve design speed along with the requisite vertical curve geometric data shall be shown on the improvement-drawing sheet where the curve occurs. • All horizontal curve sight line design shall be per Riverside County Standards (Plates 114, 821, et al). Horizontal curve design speeds along with the related geometric data shall be tabulated on the improvement drawing sheets where the curves occur. • Horizontal and vertical sight distances shall be maintained even if such compliance results in reconfigured lots and/or a reduction in the lot count shown on the approved tentative map. City of Banning Ordinances shall be met while achieving the required safety requirements.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Street.11	In accordance with the California Building Code, Title 24, and the requirements of the Americans with Disabilities Act (ADA), facilities for disabled persons shall be constructed in locations specified by the City Engineer (i.e., accessible paths of travel, curb ramps, etc.).	Informational	
PW.Street.12	Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.	Informational	
PW.Street.13	The street improvement plans shall include details for all ADA ramps, indicating elevations and grades in accordance with City of Banning standard drawings at a scale of 1"=5' or larger if necessary.	Informational	
PW.Street.14	ADA Ramps shall comply with City of Banning Standards and adopted PROWAG guidelines, whichever is stricter.	Informational	
PW.Street.15	All streets shall have a maximum grade of 15 percent. Wherever feasible street grades should be kept to 10 percent or less.	Informational	
PW.Street.16	Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.	Informational	
PW.Street.17	Commercial/Industrial driveway grades shall not exceed eight percent unless approved by the City Engineer.	Informational	
PW.Street.18	Traffic improvements shall adhere to the criteria shown in the approved Traffic Impact Analysis, Environmental Impact Report, and Mitigation and Monitoring Reporting Program.	Informational	
PW.Street.19	Signing and Striping Plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raise pavement markers at fire hydrants), and street name signs.	Informational	
PW.Street.20	All existing overhead utility lines located on or adjacent to the site shall be undergrounded prior to public improvement acceptance and surety release, to the satisfaction of the Public Works Director, including but not limited to, electrical distribution, telephone, and cable lines, with the exception of electric utility lines over 33 kV in accordance with Ordinance 1500.	Informational	
PW.Street.21	Access to any phased construction site shall be restricted by a temporary installation of a chain link fence with locks to restrict public access, but allowing emergency vehicle access per City acceptable arrangements as required by the City Engineer.	Informational	
PW.Street.22	Project shall incorporate facilities included the adopted Active Transportation Plan, including bike lane facilities.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Street.23	Construction traffic access to an on-going phased construction site shall not be permitted through any adjacent development site, which has been completed and accepted by the City for occupancy.	Informational	
PW.Street.24	Curbed medians will not be permitted over City of Banning maintained utilities (storm, sewer, water, electrical). If a curbed median is constructed over existing underground utilities, those utilities shall be relocated at the developers expense.	Informational	
PW.Street.25	Applicant has requested ability to construct any proposed development area at any time. Applicant will construct full width street improvements on required roads that serve as access and frontage to any development area EXCEPT for Sun Lakes Boulevard, Highland Home Road, and Bobcat Road, where partial improvements are allowed per the sections below. Intersections shall be constructed to their ultimate configuration. Please refer to COA Exhibits for the development areas listed below: Development Area 1 - PW.Streets.Exb01 Development Area 2 - PW.Streets.Exb06 Development Area 3 - PW.Streets.Exb011 Development Area 4 - PW.Streets.Exb016 Development Area 5 - PW.Streets.Exb021 Development Area 6 - PW.Streets.Exb026 Development Area 7 - PW.Streets.Exb031 Development Area 8 - PW.Streets.Exb036 Development Area 9 - PW.Streets.Exb041	Informational	
PW.Street.26	Highland Home Road (South of Sun Lakes Boulevard): Complete full width street improvements for COLLECTOR roadway per Sunset Crossroads Specific Plan (min. 33' half width ROW, 22' curb to CL) including the following: Curb and Gutter, AC Pavement, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping, Painted Median, Class 2 Bike Lanes	Informational	
PW.Street.27	Lincoln Street: Construct full width street improvements for DIVIDED COLLECTOR roadway per Sunset Crossroads Specific Plan (78' ROW, 56' curb to curb) including the following: Curb and Gutter, AC Pavement, Driveways, Street	Informational	

COA #	Condition of Approval	Completion Milestone	Status
	Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping, Painted Median, Class 2 Bike Lanes		
PW.Street.28	Bobcat Road: Construct partial width street improvements for DIVIDED COLLECTOR roadway per Sunset Crossroads Specific Plan (min. 39' half width minimum, 38' EP to TC) including the following: Curb and Gutter, AC Pavement, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping, Painted Median, Class 2 Bike Lanes	Informational	
PW.Street.29	Highland Home Road (North of Sun Lakes Boulevard): Construct partial width street improvements for SECONDARY HIGHWAY roadway per Sunset Crossroads Specific Plan (min. 88' ROW, 44' Curb to Curb) including the following: Curb and Gutter, AC Pavement, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping, grading to accommodate ultimate improvements.	Informational	
PW.Street.30	Sunset Ave (South of Sun Lakes): Construct full width street improvements for SECONDARY HIGHWAY roadway per Sunset Crossroads Specific Plan (88' ROW, 64' curb to curb) including the following: Curb and Gutter, AC Pavement, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping.	Informational	
PW.Street.31	Sunset Ave (North of Lincoln Street): Construct full width street improvements for ARTERIAL HIGHWAY roadway per Sunset Crossroads Specific Plan (110' ROW, 86' curb to curb), including the following: Curb and Gutter, AC Pavement, Curbed Median, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping, Class 2 Bike Lanes.	Informational	
PW.Street.32	Sunset Ave (Sun Lakes Boulevard to Lincoln Street): Construct full width street improvements for ARTERIAL HIGHWAY roadway per City of Banning Standard ST-101.1, including the following: Curb and Gutter, AC Pavement, Curbed Median, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping, Class 2 Bike Lanes. Applicant has requested an westerly shift in the centerline of the roadway, reflected in the Specific Plan and Tentative Parcel Map. Excess ROW created east of the roadway will be maintained by the Sunset Crossroads Property Owners Association. As a result of the westerly shift, any existing utilities that would be subsequently located under the curbed median shall be relocated at the sole expense of the project.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Street.33	Sun Lakes Boulevard: Construct half width street improvements for ARTERIAL HIGHWAY roadway per approved City of Banning construction drawings (CIP2020-04) including the following: Curb and Gutter, AC Pavement, Curbed Median, Driveways, Street Lighting, Sidewalk, Parkway Landscaping, Traffic Signs, Roadway Striping.	Informational	
PW.Street.34	Applicant shall submit and obtain written approval from the City Fire Marshall for the plans for all public or private access drives or streets. The plans shall include plan view and sectional views and indicate the grade and width of the road measured from 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 City Fire Marshall. Applicable covenant, conditions or restrictions (CC&R's) 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 from the Fire Marshall is granted.	Prior to Grading Permit	
PW.Street.35	Applicant shall prepare plans to fully implement requirements in the Traffic Impact Analysis for the project. Applicant shall build full road sections as indicated in the Specific Plan and Conditions of Approval stated above. Intersection improvements shall be designed for the ultimate condition. Improvement Plans shall indicate any right of way requirements that exceed the minimum City of Banning standards or Specific Plan requirements.	Prior to Recordation of Final Map	
PW.Street.36	In order to determine intersection right of way dedication and ultimate street improvement locations, applicant shall prepare an alignment study of all roadway intersections of collector and above to the satisfaction of the City Engineer. The approved alignment study, in the form of a 1" = 40' scale striping plan, will establish interim and ultimate alignments for all applicable roadways. The approved alignment study shall consider the design requirements for all project mitigation identified in the Traffic Impact Analysis to include lane geometry and capacities, any new traffic signal locations or relocations, roundabouts, striping transitions, bus bay locations, driveway locations and future medians.	Prior to Recordation of Final Map	
PW.Street.37	Applicant shall provide a truck traffic management plan to the City Engineer for review and approval. Recommendations in the truck traffic management plan shall be included with the street improvement plans. Any additional right of way necessary shall be shown on the improvement plans and dedicated on the final map.	Prior to Recordation of Final Map	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Street.38	Applicant shall provide proposed development plans to the City of Banning Transit Department for review and consideration of bus routing and bus stops. If a bus stop is required on a road classified as Secondary Highway or greater, applicant shall provide a Bus Turnout per Riverside County Standard Plan 814, necessary rights of way, bus shelter, trash receptacles, and signage. For bus stops on roads classified Collector or less in commercial and industrial zone, applicant shall provide a bus shelter, trash receptacles, and signage.	Prior to Recordation of Final Map	
PW.Street.39	The applicant shall provide estimates to construct, improve, or finance the proposed public improvements to the City Engineer for review and approval. The estimate shall differentiate between public improvements within the property boundaries of the tentative map, improvements outside the project boundaries and public improvements which abut the boundary of the property to be subdivided.	Prior to Recordation of Final Map	
PW.Street.40	A line item shall be included in the Construction Security Worksheet for the personnel needed for twenty-four hours a day, seven days per week for tending and maintaining all construction signage and safety apparatus. To the best extent possible, a person should be available twenty-four hours a day and seven days a week. The police department and fire department shall have access to the phone number. If there is a public concern, any person can contact the police/fire department who will be able to get a hold of the personnel. The personnel shall be available as on-call and the telephone number for the on-call person shall be publicly available at the Banning Police and Fire Departments. The City of Banning's construction inspectors shall have the authority to stop the work in progress until the safety signage/lighting has been restored to a condition acceptable to said inspector.	Prior to Recordation of Final Map	
PW.Street.41	Prior to map recordation for any subsequent development phases, detailed phasing plans shall be submitted for review and approval by the Public Works Director, Community Development Director and City Engineer. Each phasing plan shall identify construction access, public access and emergency access routes. The City Engineer reserves the right to modify any phasing plan.	Prior to Recordation of Final Map	
PW.Street.42	Applicant shall post a bond with the City of Banning to guarantee the repair of the roads.	Prior to Recordation of Final Map	
PW.Street.43	A Traffic Control Plan shall be submitted for review and approval by the City Engineer. The Traffic Control Plan shall be prepared by a California Registered Traffic Engineer or Civil Engineer experienced in this type of plan preparation.	Prior to Encroachment Permit	

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COA #	Condition of Approval	Completion Milestone	Status
	Traffic control shall be included as a line item in the Engineer's Estimate for bonding purposes. No construction shall be allowed prior to the approval of this plan.		
PW.Street.44	Applicant shall post a bond with the City of Banning to guarantee the repair of the roads on the City of Banning Construction Security Worksheet (at current fiscal year)	Prior to Encroachment Permit	
PW.Street.45	Street lights shall be installed in accordance with the City of Banning Electric Department Standards. A detailed lighting plan shall be submitted for review and approval by the City's Electric Department and City Engineer prior to recordation of Final Maps. The plan shall indicate style, illumination, location, height and length of mast arm.	Prior to Encroachment Permit	
PW.Street.46	As required in MMRP **RCM AIR-4**, please include the following note on Street Improvement Plans, Signing and Striping Plans, Traffic Control Plans, and Traffic Signal Plan: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Encroachment Permit	
PW.Street.47	As required in MMRP **MM BIO-5**, please include the following note on Street Improvement Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to Encroachment Permit	
PW.Street.48	As required in MMRP **MM BIO-10**, please include the following note on Street Improvement Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the	Prior to Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).		
PW.Street.49	As required in MMRP **MM BIO-11**, please include the following note on Street Improvement Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Encroachment Permit	
PW.Street.50	As required in MMRP **MM BIO-12**, please include the following note on Street Improvement Plans: During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.	Prior to Encroachment Permit	
PW.Street.51	As required in MMRP **RCM ENG-1**, please include the following note on Street Improvement Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:		
PW.Street.52	As required in MMRP **MM HYD-2**, please include the following note on Drainage Plans: Prior to City approval of roadway improvement plans for Lincoln Street, including the proposed Lincoln Street crossings, the Applicant shall submit evidence to the City that the Lincoln Street crossings of Pershing and Smith Creeks have been designed to avoid impacts to or, if impacted, to maintain the development transport capacity identified in the approved sediment transport and scour analysis required under Mitigation Measure HYD-1. Report Name: Prepared By: Approval Date:	Prior to the Issuance of an Encroachment Permit	
PW.Street.53	As required in MMRP MM NOI-1, please include the following note on Street Improvement Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.		
PW.Street.54	As required in MMRP PDF N-1, please include the following note on Street Improvement Plans proposing to construct all or portions of Sunset Ave: To address traffic noise impacts along Sunset Avenue, the alignment of Sunset Avenue is shifted to the west from its previously proposed location to provide additional distance from sensitive receptors east of Sunset Avenue. More specifically, the centerline of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard/Westward Avenue would be adjusted 42 feet (ft) to the west from the existing centerline with implementation of the Development Project, which results in the new centerline being 72 ft from the nearest residential property line and 115 ft from the school at the MSJC Site.	Prior to the Issuance of an Encroachment Permit	
PW.Street.55	As required in MMRP MM NOI-2, please include the following note on Street Improvement Plans proposing to construct all or portions of Sunset Ave: Prior to approval of roadway plans for Sunset Avenue, the City will confirm that the Development Project design plans for Sunset Avenue incorporate project design feature N-1 (PDF N-1) and shift the alignment of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard Extension/Westward Avenue to the west from the existing centerline as required by PDF N-1 to reduce traffic noise at neighboring sensitive uses to a less than significant level. To reduce operational noise impacts to a less than significant level, prior to issuance of building permits, the City will confirm that the following building design plans are consistent with PDF N-2: (1) design plans for each building proposed to contain cold storage facilities shall either shield rooftop cold storage equipment or locate such equipment on the ground level and (2) design plans for buildings adjacent to Bobcat Road (in the location depicted for Buildings 1 and	Prior to the Issuance of an Encroachment Permit	

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	2 in the Specific Plan), shall include wing walls and parking lot walls meeting the requirements of PDF N-2.		
PW.Street.56	As required in MMRP **TRA-1**, please include the following note on Street Improvement Plans: Prior to issuance of occupancy permits, the project applicant shall prepare a Transportation Demand Management (TDM) strategy report (as discussed in the Sunset Crossroads Vehicle Miles Traveled (VMT) Analysis) for review and approval by the City Traffic/Transportation Manager. Transportation Demand Management (TDM) strategies have been incorporated into the project design including commute trip reduction marketing, rideshare program, and end-of-trip bicycle facilities. Report Name: Prepared By: Approval Date:	Prior to the Issuance of an Encroachment Permit	
PW.Street.57	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.	Prior to Certificate of Occupancy	
PW.Street.58	All required public improvements for the project shall be completed, tested, and approved by City of Banning and/or other governing agency to the satisfaction of the City Engineer or their designee.	Prior to Certificate of Occupancy	
PW.Street.59	Applicant shall install all street name signs, striping, and related signage as shown on the approved plans to the satisfaction of the City Engineer and Public Works Director.	Prior to Certificate of Occupancy	
PW.Street.60	As required in MMRP PDF T-4: Prior to issuance of the first certificate of occupancy permits for an industrial building on the Development Site, the applicant shall submit and the City Community Development Director shall approve a Truck Route Management Plan including g the following components: •1Posting of signage clearly showing the designated entry for trucks from the public streets to the designated on-site truck check-in and truck parking areas. •1Posting of signage indicating that all parking and maintenance of trucks must be conducted within the designated onsite areas and not within the surrounding community or on public streets. •1Posting of signage for exiting traffic (other than exempt vehicles) showing the designated exits and restricting	Prior to Certificate of Occupancy	

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	westward travel on Sun Lakes Boulevard west of Highland Home Road. •1Lease provisions clearly identifying the required truck routes, including requiring trucks to use Sunset Avenue to access the I-10 Freeway interchange and prohibiting trucks (other than exempt vehicles) on Sun Lakes Boulevard west of Highland Home Road. •1Consider and include, where feasible, driveway aprons providing egress to SLB Extension that physically direct trucks east on Sun Lakes Boulevard Extension in a manner that does not affect exempt vehicles. •1Truck route maps provided to all drivers and posted in breakrooms and throughout the Project. •1Designation of a Traffic Coordinator contact for the City to notify in the event of traffic issues. For the Truck Route Management Plan, exempt vehicles include emergency and public safety vehicles, buses, limos and passenger vehicles, vehicles owned by a public utility or public agency and delivery vans serving local routes or using designated detour routes. With the implementation of the Truck Route Management Plan, potential conflicts with truck traffic through residential uses would be reduced.		

Landscaping

COA #	Condition of Approval	Completion Milestone	Status
PW.LS.01	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 sites, inclusive of landscaped medians.	Informational	
PW.LS.02	The applicant has requested a realignment of Sunset Ave westerly of the existing centerline. Applicant shall maintain landscaping within the excess Right of Way opposite of the project as a result of this relocation.	Informational	

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PW.LS.03	Prior to laying of the aggregate base layer for any new streets, all landscaping irrigation services (or sleeves to accommodate said services) shall be installed. Street cut permits may be denied and alternate methods may be required for any construction within a street that was accepted by the City within the prior five years.	Informational	
PW.LS.04	The applicant shall plant and maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public rights-of-way, and median islands constructed in connection with the project in accordance with applicable City standards until maintenance of such area is turned over to Property Owners Association. This includes ensuring that irrigation systems are operating properly, the clearing of debris, and regular weed removal.	Informational	
PW.LS.05	Landscape and irrigation plans for all required facilities shall be submitted for approval. The final design of the parkways, walls, landscaping, and sidewalks shall be included in the plans and shall be subject to approval by the Community Development Director and City Engineer.	Informational	
PW.LS.06	Landscaping plans shall include for irrigation and planting in medians for Sunset Ave and Sun Lakes Boulevard.	Informational	
PW.LS.07	All landscape improvements within public right of way shall be compliant with the City of Banning MWELO guidelines.	Informational	
PW.LS.08	A property owners association shall be established and the applicable Conditions, Covenants & Restrictions (CC & R's) shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public rights-of-way, onsite private parking/roadway, any debris basins, BMPs referenced in the approved WQMP, and median island landscaping. The developer shall appoint the initial members of the Board of Directors of the property owners association or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual parcel owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.	Prior to Recordation of Final Map	
PW.LS.09	The conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the homeowners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the homeowners' association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending	Prior to Recordation of Final Map	

COA #	Condition of Approval	Completion Milestone	Status
	said covenants, conditions and restrictions to conflict with these Conditions of Approval.		
PW.LS.10	Applicant shall prepare and submit to the City of Banning Public Works Department a maintenance exhibit detailing areas of POA maintenance responsibility for approval by the City Engineer.	Prior to Recordation of Final Map	
PW.LS.11	The Property Owners Association shall enter into a Landscape Maintenance Agreement with the City of Banning identifying the maintenance responsibility of the POA.	Prior to Recordation of Final Map	
PW.LS.12	Applicant shall prepare and submit to the City of Banning Public Works Department landscape and irrigation for approval	Prior to Encroachment Permit	
PW.LS.13	As required in MMRP **RCM AIR-4**, please include the following note on Landscape and Irrigation Plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Encroachment Permit	
PW.LS.14	As required in MMRP **MM BIO-5**, please include the following note on Landscape and Irrigation Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to Encroachment Permit	
PW.LS.15	As required in MMRP **MM BIO-10**, please include the following note on Landscape and Irrigation Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the	Prior to Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).		
PW.LS.16	As required in MMRP **MM BIO-11**, please include the following note on Landscape and Irrigation Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Encroachment Permit	
PW.LS.17	As required in MMRP **MM BIO-12**, please include the following note on Landscape and Irrigation Plans: During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.	Prior to Encroachment Permit	
PW.LS.18	As required in MMRP **RCM ENG-1**, please include the following note on Landscape and Irrigation Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:		
PW.LS.19	As required in MMRP **MM GHG-2**, please include the following note on Landscape and Irrigation Plans: Provide drought tolerant low-water landscaping and trees throughout the Project site and use recycled (purple pipe) irrigation water with drip irrigation and weather based smart irrigation controllers.	Prior to the Issuance of an Encroachment Permit	
PW.LS.20	As required in MMRP MM NOI-1, please include the following note on Landscape and Irrigation Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.		
PW.LS.21	An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.	Prior to Occupancy	
PW.LS.22	Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.	Prior to Surety Release	
PW.LS.23	Applicant shall provide GIS shape files for all irrigation lines and appurtenances including street crossings to the Public Works Department for inclusion in the GIS Database.	Prior to Surety Release	

Potable Water

COA #	Condition of Approval	Completion Milestone	Status
PW.Wat.01	All public potable water improvements shall be constructed per City of Banning Standards and Specifications, Standard Specifications for Public Works Construction, current edition, or as otherwise approved in writing by the City Engineer.	Informational	
PW.Wat.02	All private potable water improvement shall be designed and constructed per California Building Code, California Plumbing Code, and California Fire Code, latest editions. All private improvements shall be concurrently reviewed by the Building and Safety Department.	Informational	
PW.Wat.03	All private fire suppression systems shall be reviewed and approved by the City Fire Marshall.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Wat.04	Applicant shall install facilities within public rights of way. Where public right of way is not available, applicant shall provide easement rights to the City of Banning covering existing and proposed facilities necessary for the project.	Informational	
PW.Wat.05	A water improvement plan shall be submitted showing proposed water service connection sizes and locations, including separate laterals for irrigation and fire protection. Irrigation water services will require the installation of a RP backflow protection device.	Informational	
PW.Wat.06	Applicant shall provide detail water demand and hydraulic calculations for use in sizing laterals, meters, backflows, and booster pumps as necessary, and for annual indoor and outdoor usage.	Informational	
PW.Wat.07	All water lines and fittings shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.	Informational	
PW.Wat.08	Fire hydrants shall be installed within and on the Parcel Map boundaries as per approved plans, at a 300-foot maximum spacing.	Informational	
PW.Wat.09	The fire service with require a RPDA backflow protection device. Private fire hydrants shall be painted red, and approval of location and materials to be coordinated with the Fire Department.	Informational	
PW.Wat.10	A backflow device must be installed on all common-area buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning standards and specifications.	Informational	
PW.Wat.11	Any utility work within the Specific Plan that disturbs previous constructed roadways shall include full cross section grind and overlay for trench repair tasks.	Informational	
PW.Wat.12	Applicant has requested ability to construct any proposed development area at any time. Applicant will construct potable water improvements required to serve that planning area in full ultimate locations, including laterals to serve future development areas. Please refer to COA Exhibits for the development areas listed below: Development Area 1 - PW.Water.Exb02 Development Area 2 - PW.Water.Exb07 Development Area 3 - PW.Water.Exb012 Development Area 4 - PW.Water.Exb017	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
	Development Area 5 - PW.Water.Exb022 Development Area 6 - PW.Water.Exb027 Development Area 7 - PW.Water.Exb032 Development Area 8 - PW.Water.Exb037 Development Area 9 - PW.Water.Exb042		
PW.Wat.13	Prior to recordation of the final parcel map, associated improvement plans for potable water facilities shall be submitted to the City for review and approval and shall be substantially complete to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	
PW.Wat.14	Potable water easements, as necessary, shall be shown and dedicated to the City of Banning on the Final Map.	Prior to Recordation of Final Map	
PW.Wat.15	Submit a hydraulic analysis report demonstrating adequate pressures throughout the project's water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City's latest calibrated water model, shall identify when and if additional facilities would be required to meet Project water demands.	Prior to Encroachment Permit	
PW.Wat.16	As required in MMRP **RCM AIR-4**, please include the following note on Potable Water Plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Encroachment Permit	
PW.Wat.17	As required in MMRP **MM BIO-5**, please include the following note on Potable Water Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to Encroachment Permit	
PW.Wat.18	As required in MMRP **MM BIO-10**, please include the following note on Potable Water Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas	Prior to Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).		
PW.Wat.19	As required in MMRP **MM BIO-11**, please include the following note on Potable Water Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Encroachment Permit	
PW.Wat.20	As required in MMRP **MM BIO-12**, please include the following note on Potable Water Plans: During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.	Prior to Encroachment Permit	
PW.Wat.21	As required in MMRP **RCM ENG-1**, please include the following note on Potable Water Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:		
PW.Wat.22	As required in MMRP **MM NOI-1**, please include the following note on Potable Water Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly	Prior to the Issuance of an Encroachment Permit	

COA #	Condition of Approval	Completion Milestone	Status
	operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.		
PW.Wat.23	All required water lines and fire hydrants shall be installed and made operable before any building permits are issued. This may be done in phases if the construction work is in progress for emergency vehicles.	Prior to Building Permit	
PW.Wat.24	Applicant shall make pipeline repairs necessary as identified by the City Engineer or City Inspector for City acceptance of facilities.	Prior to Release of Surety	
PW.Wat.25	Applicant shall provide GIS shape files for all potable water lines and appurtenances including service laterals to the Public Works Department for inclusion in the GIS Database.	Prior to Surety Release	

Non-Potable Water

COA #	Condition of Approval	Completion Milestone	Status
PW.NPW.01	All public non-potable water improvements shall be constructed per City of Banning Standards and Specifications, Standard Specifications for Public Works Construction, current edition, or as otherwise approved in writing by the City Engineer.	Informational	
PW.NPW.02	Applicant shall install facilities within public rights of way. Where public right of way is not available, applicant shall provide easement rights to the City of Banning covering existing and proposed facilities necessary for the project.	Informational	
PW.NPW.03	All non-potable water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design engineer. Where non-potable water line easements are necessary, they shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.NPW.04	Applicant shall provide detail water demand and hydraulic calculations for use in sizing laterals, meters, backflows, and booster pumps as necessary.	Informational	
PW.NPW.05	All non-potable water lines shall be Ductile Iron Pipe (DIP) Class 350, with restrained joints conforming to DIPRA design guidelines where required. All non-potable water DIP mains shall be protected with purple-colored V-Bio polyethylene encasement.	Informational	
PW.NPW.06	A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.	Informational	
PW.NPW.07	The non-potable water plans shall include appropriate signage for the irrigation of publicly-accessible areas with non-potable water as required by the California Code of Regulations.	Informational	
PW.NPW.08	Any utility work within the Specific Plan that disturbs previous constructed roadways shall include full cross section grind and overlay for trench repair tasks.	Informational	
PW.NPW.09	Applicant has requested ability to construct any proposed development area at any time. Applicant will construct non-potable water improvements required to serve that planning area in full ultimate locations, including laterals to serve future development areas. Please refer to COA Exhibits for the development areas listed below: Development Area 1 - PW.RecWater.Exb03 Development Area 2 - PW.RecWater.Exb08 Development Area 3 - PW.RecWater.Exb013 Development Area 4 - PW.RecWater.Exb018 Development Area 5 - PW.RecWater.Exb023 Development Area 6 - PW.RecWater.Exb028 Development Area 7 - PW.RecWater.Exb033 Development Area 8 - PW.RecWater.Exb038 Development Area 9 - PW.RecWater.Exb043	Informational	
PW.NPW.10	Prior to recordation of the final parcel map, associated improvement plans for non-potable water facilities shall be submitted to the City for review and approval and shall be substantially complete to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	
PW.NPW.11	Non-Potable water easements, as necessary, shall be shown and dedicated to the City of Banning on the Final Map.	Prior to Recordation of Final Map	

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COA #	Condition of Approval	Completion Milestone	Status
PW.NPW.12	Submit Water Improvement Plans to the City Engineer for review and approval.	Prior to Encroachment Permit	
PW.NPW.13	As required in MMRP **RCM AIR-4**, please include the following note on Non-Potable Water Plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Encroachment Permit	
PW.NPW.14	As required in MMRP **MM BIO-5**, please include the following note on Non-Potable Water Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to Encroachment Permit	
PW.NPW.15	As required in MMRP **MM BIO-10**, please include the following note on Non-Potable Water Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).	Prior to Encroachment Permit	

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COA #	Condition of Approval	Completion Milestone	Status
PW.NPW.16	As required in MMRP **MM BIO-11**, please include the following note on Non-Potable Water Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Encroachment Permit	
PW.NPW.17	As required in MMRP **MM BIO-12**, please include the following note on Non-Potable Water Plans: During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.	Prior to Encroachment Permit	
PW.NPW.18	As required in MMRP **RCM ENG-1**, please include the following note on Non-Potable Water Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:	Prior to the Issuance of an Encroachment Permit	

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COA #	Condition of Approval	Completion Milestone	Status
PW.NPW.19	As required in MMRP **MM NOI-1**, please include the following note on Non-Potable Water Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.	Prior to the Issuance of an Encroachment Permit	
PW.NPW.20	Applicant shall make pipeline repairs necessary as identified by the City Engineer or City Inspector for City acceptance of facilities.	Prior to Release of Surety	
PW.NPW.21	Applicant shall provide GIS shape files for all non-potable water lines and appurtenances including service laterals to the Public Works Department for inclusion in the GIS Database.	Prior to Surety Release	

Sewer

COA #	Condition of Approval	Completion Milestone	Status
PW.Sew.01	All public sewer improvements shall be constructed per City of Banning Standards and Specifications, Standard Specifications for Public Works Construction, current edition, or as otherwise approved in writing by the City Engineer.	Informational	
PW.Sew.02	Applicant shall install facilities within public rights of way. Where public right of way is not available, applicant shall provide easement rights to the City of Banning covering existing and proposed facilities necessary for the project.	Informational	
PW.Sew.03	All sewer lines to be constructed within the public right-of-way shall be extra strength Vitrified Clay Pipe (VCP). All sewer mains shall be minimum of 8 inches in diameter. Any sewer main greater than 15-inches (15”) shall be extra strength VCP. Any sewer with more than 15’ cover (FG/FS to top of pipe) shall be extra strength VCP. Final sizes shall be approved by the City Engineer based on calculations submitted by the design engineer accounting for ultimate discharge flows for phase and all upstream areas. Sewer line easements shall be a minimum of 20 feet wide if installed outside of right-of-way or public utility easement.	Informational	
PW.Sew.04	Each developed parcel shall have its own sewer lateral and shall be PVC SDR 26.	Informational	
PW.Sew.05	A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.	Informational	
PW.Sew.06	Any pad with an elevation lower than the nearest upstream manhole rim elevation shall require a backwater valve.	Informational	
PW.Sew.07	Sewer mains shall maintain a straight alignment from manhole to manhole whenever feasible. The required radius, when necessary, shall be achieved by use of deflection at the joint with VCP pipe, following manufacturer’s guidelines.	Informational	
PW.Sew.08	Private sewer pumps will only be permitted if a gravity sewer lateral is not feasible due to existing grade and alignment issues. Any private sewer pump requires approval from the City Engineer. Any private sewer pump shall transition to a gravity lateral at the public right of way or 10' prior to the sewer main, whichever is greater.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Sew.09	The City of Banning will not permit any forced sewer system maintained by any entity other than the City of Banning within City of Banning rights of way. Private sewer pumps to public force main is not permitted.	Informational	
PW.Sew.10	Any utility work within the Specific Plan that disturbs previous constructed roadways shall include full cross section grind and overlay for trench repair tasks.	Informational	
PW.Sew.11	Applicant has requested ability to construct any proposed development area at any time. Applicant will construct sewer improvements required to serve that planning area in full ultimate locations, including laterals to serve future development areas. Please refer to COA Exhibits for the development areas listed below: Development Area 1 - PW.Sewer.Exb04 Development Area 2 - PW.Sewer.Exb09 Development Area 3 - PW.Sewer.Exb014 Development Area 4 - PW.Sewer.Exb019 Development Area 5 - PW.Sewer.Exb024 Development Area 6 - PW.Sewer.Exb029 Development Area 7 - PW.Sewer.Exb034 Development Area 8 - PW.Sewer.Exb039 Development Area 9 - PW.Sewer.Exb044	Informational	
PW.Sew.12	As required by the City Engineer and prior to recordation of the final parcel map, the applicant shall submit and the City shall approve a supplemental Focused Sewer Study to the satisfaction of the City Engineer. The study shall determine on/off site conveyance system requirements and project's estimated contribution to wastewater discharges.	Prior to Recordation of Final Map	
PW.Sew.13	Prior to recordation of the final parcel map, associated improvement plans for sewer facilities shall be submitted to the City for review and approval and shall be substantially complete to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	
PW.Sew.14	Sewer easements, as necessary, shall be shown and dedicated to the City of Banning on the Final Map.	Prior to Recordation of Final Map	
PW.Sew.15	Applicant shall fill out and submit an Industrial User Survey form and an Industrial Waste Permit application.	Prior to Encroachment Permit	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Sew.16	Submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval.	Prior to Encroachment Permit	
PW.Sew.17	As required in MMRP **RCM AIR-4**, please include the following note on Sewer Plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Encroachment Permit	
PW.Sew.18	As required in MMRP **MM BIO-5**, please include the following note on Sewer Plans: Vehicle Washing. It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.	Prior to Encroachment Permit	
PW.Sew.19	As required in MMRP **MM BIO-10**, please include the following note on Sewer Plans: Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).	Prior to Encroachment Permit	

City of Banning

Community Development Department
Conditions of Approval

COA #	Condition of Approval	Completion Milestone	Status
PW.Sew.20	As required in MMRP **MM BIO-11**, please include the following note on Sewer Plans: Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.	Prior to Encroachment Permit	
PW.Sew.21	As required in MMRP **MM BIO-12**, please include the following note on Sewer Plans: During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.	Prior to Encroachment Permit	
PW.Sew.22	As required in MMRP **RCM ENG-1**, please include the following note on Sewer Plans: Construction. Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Project. Best Available Control Measures include, but are not limited to, requirements that the Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee. Report Name: Prepared By: Approval Date:	Prior to the Issuance of an Encroachment Permit	

City of Banning

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COA #	Condition of Approval	Completion Milestone	Status
PW.Sew.23	As required in MMRP **MM NOI-1**, please include the following note on Sewer Plans: The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m. During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Boulevard, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction. During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.	Prior to the Issuance of an Encroachment Permit	
PW.Sew.24	The applicant shall inspect with CCTV all new public sewer mains and submit to the City for review and approval prior to surety release and acceptance of sewer improvements.	Prior to Release of Surety	
PW.Sew.25	Applicant shall make pipeline repairs necessary as identified by the City Engineer or City Inspector for City acceptance of facilities.	Prior to Release of Surety	

COA #	Condition of Approval	Completion Milestone	Status
PW.Sew.26	Applicant shall provide GIS shape files for all sewer lines and appurtenances including service laterals to the Public Works Department for inclusion in the GIS Database.	Prior to Release of Surety	

Refuse

COA #	Condition of Approval	Completion Milestone	Status
PW.Refuse.01	Effective January 1, 2022, all residential, single-family units shall subscribe to City's three-container (trash, recycling, organics), Collection Services per Banning Municipal Code, Title 8.28, "Garbage Collection and Disposal". Information on the program is available on the City of Banning website and made available at the following link: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.28SOWACODI	Informational	
PW.Refuse.02	Applicant shall comply with the City of Banning Trash and Recycling Enclosure Design Guide	Informational	
PW.Refuse.03	Applicants are required to use the City's exclusive franchise hauler (Waste Management) unless otherwise approved in writing by the Public Works Department.	Informational	
PW.Refuse.04	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.	Informational	
PW.Refuse.05	Applicants are encouraged to review the referenced sections in the California Green Building Standard Code:	Informational	
PW.Refuse.06	Applicants shall submit a Construction and Demolition Waste Diversion Plan to the City's Solid Waste Program Coordinator (SWPC) prior to commencement of construction or demolition. Contact the SWPC at hstuart@banningca.gov or 951.922.3193 for further details and to obtain a plan template.	Prior to Demolition AND/OR Prior to Building Permit	
PW.Refuse.07	The developer shall participate in the City's recycling and diversion programs by providing a solid waste enclosure to accommodate necessary solid waste containers.	Prior to Building Permit	
PW.Refuse.08	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	Prior to Building Permit	

COA #	Condition of Approval	Completion Milestone	Status
	multiple tenant properties, such as a shopping center, must design the enclosure to accommodate all waste containers of the property.		
PW.Refuse.09	Solid waste enclosures shall be located on the site to be serviced.	Prior to Building Permit	
PW.Refuse.10	The enclosure shall be designed for the exclusive use of housing solid waste containers including trash, recyclable and organics materials.	Prior to Building Permit	
PW.Refuse.11	Enclosures shall be lockable and/or contain locking bins. Locking mechanisms on enclosures and/or bins shall be approved by the City of Banning Solid Waste Franchise Hauler.	Prior to Building Permit	
PW.Refuse.12	Design Criteria: a.1The 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.1Enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design. c.1Exterior materials and colors of the enclosure shall match the building walls. d.1Chain link fencing with or without/plastic slats is prohibited. e.1Enclosure shall have solid metal or wood gates with latches that can be secured in an open or closed position. f.1Enclosures shall be constructed in a permanent manner. g.1Exterior 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.1Provide the minimum clearance for collector and user accessibility. i.1City Engineer approval shall be obtained in writing prior to the construction of any solid waste enclosure.	Prior to Building Permit	
PW.Refuse.13	As required in MMRP **RCM AIR-4**, please include the following note on Building Plans: RCM AIR-4: The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.	Prior to Building Permit	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Refuse.14	As required in MMRP **RCM AIR-4**, please include the following note on Building Plans: Materials and Spoils Control. Development Project materials will not be cast from the Development Site, and Development Project related debris, spoils, and trash will be contained daily and removed to a proper disposal facility.	Prior to Building Permit	
PW.Refuse.15	As required in MMRP **MM GHG-1**, please include the following note on Building Plans: Provide separate recycling bins within each commercial/industrial building and provide large external recycling collection bins at central locations in the commercial and industrial land uses for collection truck pickup. Provide a commercial recycling/composting program that provides 70 percent diversion of waste for the commercial land uses. Provide an industrial recycling program that provides 80 percent diversion of waste for the industrial land uses.	Prior to Building Permit	
PW.Refuse.16	Pursuant to CAL Green Building Standards Code section code 5.408. Construction and demolition wastes must be recycled and or salvaged for a reuse minimum of 65% of nonhazardous construction demolition waste materials. All projects require construction waste reduction, disposal and recycling services that comply with the 2019 California Green Building Standards Code (CALGreen) as described in the Non-Residential (5.408).	Prior to Certificate of Occupancy	
PW.Refuse.17	187.1Applicants shall submit a Construction and Demolition Waste Diversion Reporting Form to the City's Solid Waste Program Coordinator upon completion of the project to obtain diversion approval prior to final sign-off. Contact the SWPC at hstuart@banningca.gov or 951.922.3193 for further details and to obtain a report form template.	Prior to Certificate of Occupancy	

Fees

COA #	Condition of Approval	Completion Milestone	Status
PW.Fees.01	All fees must be paid in full at the thresholds identified below. Plan check fees for professional report review and all improvement plan reviews shall be paid at the time of submittal of said documents in accordance with the fee schedule in effect at the time of the submittal.	Informational	

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COA #	Condition of Approval	Completion Milestone	Status
PW.Fees.02	Applications submitted without full payment of fees are deemed incomplete. Plan review will not commence until all fees are paid.	Informational	
PW.Fees.03	Evidence of paid fees to agencies outside the City of Banning is required prior to the issuance of any applicable permit.	Informational	
PW.Fees.04	Public Works Grading Permit fees (including fees for NPDES inspections) shall be paid prior to the issuance of any permits in accordance with the fee schedule in effect at the time of scheduling.	Prior to Grading Permit	
PW.Fees.05	Public Works Encroachment Permit and Inspection fees shall be paid prior to the issuance of any permits in accordance with the fee schedule in effect at the time of scheduling.	Prior to Encroachment Permit	
PW.Fees.06	Water Meter fees and installation fees shall be paid in full prior to installation of any water meter in accordance with the fee schedule in effect at that time.	Prior to Installation	
PW.Fees.07	Water connection fees shall be paid in accordance with the fee schedule in effect at that time and in accordance with the DA.	Prior to Building Final/C of O	
PW.Fees.08	Sewer connection fees shall be paid in accordance with the fee schedule in effect at that time at that time and in accordance with the DA.	Prior to Building Final/C of O	
PW.Fees.09	Traffic Impact fees shall be paid in accordance with the fee schedule in effect at that time at that time and in accordance with the DA.	Prior to Building Final/C of O	

END

ORDINANCE NO. 1618

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF BANNING OFFICIAL ZONING MAP AND APPROVING ZONE CHANGE 20-3502 REZONING CERTAIN TERRITORY IN THE CITY LOCATED SOUTH OF I-10 AND THE UNION PACIFIC RAILROAD, AND WEST OF SUNSET AVENUE (ASSESSOR'S PARCEL NUMBERS (APNS): 537-110-003 THROUGH -005, 537-110-011 THROUGH -014) AND PRE-ZONING PRIOR TO ANNEXATION CERTAIN TERRITORY IN THE SPHERE OF INFLUENCE OF THE CITY LOCATED SOUTH OF THE NORTHERN BOUNDARY OF WESTERN AVENUE AND WEST OF SUNSET AVENUE (APNS 537-120-013, 537-120-025, AND 537-120-028 THROUGH -036).

WHEREAS, the City of Banning, California, ("City") is a general law city and a municipal corporation of the State of California; and

WHEREAS, NP Banning Industrial, LLC, a Missouri Limited Liability Corporation ("Owner") is proposing to develop a master planned project including industrial and commercial uses and various public facilities, including parkland and open space, with on-and off-site related improvements ("Project") on approximately 533.8 acres of real property located within the City of Banning and the County of Riverside, with approximately 253.7 acres of this real property located in unincorporated County of Riverside and the City's southerly sphere of influence. The property is comprised of assessor's parcel numbers (APNs): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036, and more specifically described on Exhibit A attached hereto and incorporated herein by this reference ("Project Site"); and

WHEREAS, the Project site is, or will be made, subject to the following entitlements: Resolution 2026-29, approving General Plan Amendment No. 20-2501 and Specific Plan No. 20-2002; this Ordinance approving Zone Change 20-3502; Ordinance No. 1620 approving a Development Agreement ("Development Agreement") between the City and Owner and Resolution No. 2026-31 approving Tentative Parcel Map No. 38118 to reconsolidate all existing parcels of the Property into 34 parcels and five lettered lots; and Resolution No. 2026-28, certifying an Environmental Impact Report (EIR), SCH Number 2021020011, Adopting Findings and a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program (collectively "Entitlements"); and

WHEREAS, the City has received from Owner a request to annex the portion of the Property located in the sphere of influence of the City and is adopting, or will adopt, Resolution 2026-30 approving a Plan of Service and such annexation and recommending approval of such annexation to LAFCO.

WHEREAS, concurrently with consideration of the Project, the City is considering General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels that are not a part of the Project Site of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR),

and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR) (collectively, "MSJC Site Entitlements"), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site") to ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, in compliance with Government Code Section 65854, the City Planning Commission provided notice and held a duly noticed public hearing on the Project at a special meeting on September 25, 2025, further considered the Project at separately noticed continuation of such meeting on November 5, 2025 and at a continuation of that meeting to a special meeting on November 17, 2025, voted 3 in support and 2 opposed, passing a resolution recommending the City Council deny the Project applications. At the same special meeting, the Planning Commission voted 5 in support and none opposed, passing a resolution recommending the City Council deny the MSJC Site Entitlements; and

WHEREAS, the City prepared the Final EIR, including the Draft EIR (collectively, the "FEIR") and, pursuant to Public Resources Code section 21092.5, the City provided copies of the FEIR to all commenting agencies and persons requesting copies of the responses; and

WHEREAS, at the January 28, 2026 special meeting, the City Council of the City of Banning (the "City Council") held a public hearing, commenced deliberation and voted five in favor and none opposed to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed general plan amendment and zone change, Sunset Crossroads Specific Plan, development agreement, parcel map and supporting materials, and public testimony and has determined that approval of Zone Change 20-3502 is appropriate under Chapter 17.116 of the Banning Municipal Code and consistent with the policies and programs of the City of Banning General Plan, any applicable specific plan and zoning ordinances; and

WHEREAS, the Project reduces environmental impacts by incorporating the reduction in industrial uses generally as contemplated by Alternative 4, the Reduced Industrial Alternative, which was identified as the Environmentally Superior Alternative in the FEIR, including by (1) eliminating the extension of Lincoln Street over the Smith Creek drainage, buildout of Highland Home Road north of Sun Lakes Boulevard and the related fire road access and (2) eliminating Industrial buildings in Planning Areas 2, 3, 7, 8 and 9 and all cold-storage uses, thereby reducing overall Industrial square footage to a maximum of 4,749,000 square feet, which is an even greater reduction in square footage and elimination of more buildings than considered in Alternative 4. The Project also modifies and reduces impacts to the Commercial land uses by removing construction of the truck fueling operation, modifying the mix of commercial uses, and reducing the maximum commercial square footage to 223,753 square feet, including up to 200,000 square feet discount club use, plus an approximately 125 room hotel; and

WHEREAS, the City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, concurrently with adoption of this Resolution pursuant to adoption of Resolution 2026-28, certified the FEIR as supplemented by the Supplemental CEQA Memorandum dated October 23, 2025 to address revisions to the Project and the Sunset Crossroads Project—Modified Project V2.1 Trip Generation Assessment dated February 20, 2026 to address further reductions in Project industrial square footage and related traffic impacts, each prepared by Urban Crossroads, Inc. (collectively "Supplemental CEQA Memoranda") and adopted Findings and Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program and determined that the FEIR as so supplemented sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects while feasibly attaining most of the basic objectives of the Project in accordance with CEQA and the State CEQA Guidelines, and has determined that the Zone Change has been fully analyzed per CEQA under the FEIR and all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS
That the above Recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. OFFICIAL ZONING MAP AMENDMENTS.
The City Council hereby approves ZC 20-3502, zoning land lying within the jurisdiction of the City and pre-zoning land in the City's sphere of influence, and directs the Community Development Director to amend the City of Banning Official Zoning Map, as depicted in Exhibit A to this Ordinance and incorporated by this reference, to amend the zoning classifications of the Real Property legally described on Exhibit B-1 and Exhibit B-2 to this Ordinance, each incorporated by this reference, from High Density Residential, Medium Density Residential, Low Density Residential, General Commercial and Open Space - Resource and Open Space – Parks, where applicable, to "Specific Plan - Sunset Crossroads" to provide General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R) land uses pursuant to the Sunset Crossroads Specific Plan adopted pursuant to Resolution 2026-29 by the City Council and the following, in each case subject to termination of this approval as set forth in the Development Agreement if the First Installment of the Public Benefit Fee (each as defined in the Development Agreement) is not timely paid in accordance with the terms of Section 5.2.1 of said Development Agreement.

A. Zone Map Change. The portion of the Property legally described on Exhibit B-1, comprising APNS 537-110-003 through -005, 537-110-011 through -014 is within the jurisdiction of the City and is hereby zoned to "Specific Plan - Sunset Crossroads".

B. Pre-Zoning. The portion of the Property legally described on Exhibit B-2, comprising APNS 537-120-013, 537-120-025, and 537-120-028 through -036 is

located in the sphere of influence of the City and is hereby pre-zoned to “Specific Plan - Sunset Crossroads”. This pre-zoning shall take effect upon execution of a Certificate of Completion by the Riverside County Local Agency Formation Commission for the annexation.

SECTION 3. FINDINGS FOR APPROVAL OF ZC 20-3502.

BMC Section 17.116.040 provides that upon receipt of the Planning Commission's recommendation, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance. Further, BMC Section 17.116.050 provides that an amendment to the Zoning Ordinance may be adopted only if the following findings are made. The City Council hereby finds and determines as follows:

A. FINDING No. 1: The proposed Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact: The proposed ZC 20-3502 is consistent with the goals and policies of the General Plan. The proposed amendment will establish a land use pattern consistent with the corresponding general plan amendment 20-2501, allowing for General Commercial and Industrial districts while preserving natural on-site drainages and open spaces with Open Space designations to maintain an appropriate balance of land uses in the City and through adoption of a Specific Plan will regulate such uses to allow for the orderly development of the Property. The Project will assist with the development of a circulation system that serves the needs of the City (Circulation Element Policy 6) through dedication of land and widening of key roadways, provision of other infrastructure and payment of fair share of fees such that City streets are able to maintain peak hour LOS D or better with implementation of the Project and City and regional capital improvements. The proposed zoning will also create economic opportunities consistent with the goals and policies in the General Plan Economic Development Element, such as the following:

- Goal: A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.
- Policy 2 The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.
- Program 6.B Preserve highway commercial land use designations at interchange locations, and encourage the location of high quality freeway-serving businesses.

Further detailed findings of consistency between the Project and the General Plan are set forth in the FEIR and Resolution 2026-29 adopted by the City Council prior to or concurrently with adoption of this Ordinance, which findings and supporting evidence has been previously considered by the City Council in connection with the Project.

B. FINDING No. 2: The proposed Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact: The proposed zone change is internally consistent with the Zoning Ordinance because the zone change will implement zoning map changes authorized by Banning Municipal Code Chapter 17.96, authorizing adoption of Specific Plans by the City Council including adoption of the Sunset Crossroads Specific Plan adopted concurrently with adoption of this Ordinance pursuant to Resolution 2026-29. The proposed Project shall require an amendment to Banning Municipal Code Section 17.96.080 - Specific plan zoning districts and zoning map designations. Inclusion of the Sunset Crossroads Specific Plan in the BMC will immediately make it consistent with the zoning ordinance. As required by state law and provided that the MSJC Site Entitlements are adopted by the City Council, the proposed Project involves a transfer of residential density from Sunset Crossroads development project site to the MSJC Site to accommodate the commercial/industrial development project. The transfer of residential development capacity is consistent with state housing law in that it ensures no net loss in the residential development capacity identified in the City's General Plan. The proposed density transfer can be accommodated on an approximately 41-acre site because the proposed density range is from 24 to 30 dwelling units per acre, consistent with the Zoning Ordinance and development standards for the Very High Density Residential zone and General Plan Housing Element goals and Programs 4 which require the City to create very high density zoning with a range of 24-30 du/acre.

C. FINDING No. 3: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: The Sunset Crossroads FEIR has been prepared for the Project in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) (CEQA). The City Council has conducted an independent review and is concurrently certifying the Sunset Crossroads FEIR (SCH# 2021020011), including the DEIR and certain Supplemental CEQA Memoranda as compliant with CEQA and has adopted the related CEQA Findings, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program for the Project pursuant to Resolution No. 2026-28 concurrently with or prior to adoption of this Ordinance.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. CERTIFICATION.

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 7. EFFECTIVE DATE.
This Ordinance shall take affect thirty (30) days after its second reading by City Council. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be published and/or posted as required by law.

INTRODUCED AND READ for the first time and ordered posted at a special meeting of the City Council of the City of Banning, California, held on the 26th day of February 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Banning, California, held on the 10th day of March 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1618 was duly introduced at a special meeting of the City Council of the City of Banning, held on the 26th day of February, 2026, and was duly adopted at a regular meeting of said City Council on the 10th day of March, 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning, California

EXHIBIT A
Existing General Plan/Zoning Map

EXHIBIT B-1

Legal Description of APNS 537-110-003 through -005, 537-110-011 through -014

COMPRISING THE NORTHERN PORTION OF THE PROJECT SITE AND SLB EXTENSION IN THE CITY OF BANNING

PARCEL A:

PARCELS 1 THROUGH 4, INCLUSIVE OF MAPS AND LETTERED LOTS A THROUGH J, INCLUSIVE, OF PARCEL MAP NO. 25541, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON FILE IN BOOK 166 PAGES 27 THROUGH 35, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

EXHIBIT B-2

Legal Description of APNS 537-120-013, 537-120-025, and 537-120-028 through -036

COMPRISING UNINCORPORATED SOUTHERN PORTION OF THE PROJECT SITE

PARCEL B:

PARCELS 1 THROUGH 9 AND LETTERED LOTS "A" THROUGH "O", ALL INCLUSIVE OF PARCEL MAP 28971, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 198 PAGES 8 THROUGH 10 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM PARCELS 3 AND 7, THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015506 OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM PARCEL 3 ALL THAT PORTION CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED MARCH 22, 2002 AS INSTRUMENT NO. 2002-146041.

PARCEL C:

PARCELS 1 AND 2 AND LETTERED LOTS A, B, AND C OF PARCEL MAP 13521, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 83, PAGES 13 THROUGH 15, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF BANNING, A MUNICIPAL CORPORATION, BY DEED RECORDED JANUARY 15, 1998, AS INSTRUMENT NO. 98-015506, OFFICIAL RECORDS.

ORDINANCE NO. 1620

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BANNING AND NP BANNING INDUSTRIAL, LLC, A MISSOURI LIMITED LIABILITY CORPORATION

WHEREAS, the City of Banning, California, ("City") is a general law city and a municipal corporation of the State of California; and

WHEREAS, Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code ("Development Agreement Statute") and Chapter 17.60 of the Banning Municipal Code authorize City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, NP Banning Industrial, LLC, a Missouri Limited Liability Corporation ("Owner") is proposing to develop a master planned project including industrial and commercial uses and various public facilities, including parkland and open space, with on-and off-site related improvements ("Project") on approximately 533.8 acres of real property located within the City of Banning and the County of Riverside, with approximately 253.7 acres of this real property located in unincorporated County of Riverside and the City's southerly sphere of influence. The property is comprised of assessor's parcel numbers (APNs): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036, and more specifically legally described in Exhibit A attached hereto and incorporated herein by this reference (hereinafter the "Property"); and

WHEREAS, the Property is, or will be made, subject to the following entitlements: Resolution 2026-29, approving General Plan Amendment No. 20-2501 and Specific Plan No. 20-2002; Ordinance No. 1618 approving Zone Change 20-3502; and Resolution No. 2026-31 approving Tentative Parcel Map No. 38118 to reconsolidate all existing parcels of the Property into 34 parcels and five lettered lots; and Resolution No. 2026-28, certifying an Environmental Impact Report (EIR), SCH Number 2021020011, Adopting Findings and a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program (collectively "Entitlements"); and

WHEREAS, concurrently with consideration of the Project, the City is considering General Plan Amendment (GPA) 22-2502, and Zone Change (ZC) 22-3502, to amend the existing land use designation on twelve parcels of land that are not a part of the Project Site of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR) (collectively, "MSJC Entitlements"), for 40.9 acres of a 49.2-acre site located at the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003 (collectively the "MSJC Site") to

ensure that approval of the Project will not result in a net loss of residential housing capacity; and

WHEREAS, the Project will provide jobs and industry in the City; and

WHEREAS, the Project will provide a community benefit to the residents of the City; and

WHEREAS, the Developer is not requesting from the City, nor is the City providing, any form of financial assistance to locate, develop, construct and/or operate the Project in the City of Banning, and Developer agrees to comply with all conditions of approval; and

WHEREAS, 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 Sections 65864 et seq. of the California Government Code, (the "Development Agreement Statute") which authorizes cities to enter into property development agreements with any person(s) or entity(ies) having a legal or equitable interest in real property for the development of such real property in order to establish certain development rights in the real property; and

WHEREAS, the Development Agreement is intended to provide assurances to Developer that an approved Project may proceed subject to the specified policies, rules, regulations, and conditions of approval applicable to the Project at the time of approval as specifically provided in the Development Agreement, regardless of any changes to City policies, rules, and regulations after project approval; and

WHEREAS, the Development Agreement is intended to eliminate uncertainty in planning for and securing orderly development and occupancy of the Property, assure installation of necessary improvements, and ensure attainment of the maximum effective utilization of resources within the City at the least economic cost to its citizens; and

WHEREAS, in compliance with Government Code Section 65854, the City Planning Commission provided notice and the City Planning Commission held a duly noticed public hearing on the Project at a special meeting on September 25, 2025, further considered the Project at a separately noticed continuation of such meeting on November 5, 2025 and at a continuation of that meeting to a special meeting on November 17, 2025 voted 3 in support and 2 opposed, passing a resolution recommending the City Council deny the Project applications. At the same special meeting, the Planning Commission voted 5 in support and none opposed, passing a resolution recommending the City Council deny the MSJC Entitlements; and

WHEREAS, the City prepared the Final EIR, including the Draft EIR (collectively, the "FEIR") and, pursuant to Public Resources Code section 21092.5, the City provided copies of the FEIR to all commenting agencies and persons requesting copies of the responses; and

WHEREAS, at the January 28, 2026 special meeting, the City Council of the City of Banning (the "City Council") held a public hearing, commenced deliberation and voted five in favor and none opposed to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, based on the foregoing recitals, City has determined that the Development Agreement is appropriate under the Development Agreement Statute and Chapter 17.60 of the Banning Municipal Code and consistent with the policies and programs of the City of Banning General Plan, any applicable specific plan and the zoning ordinances; and

WHEREAS, the Development Agreement is voluntarily entered into in consideration of the benefits to and the rights created in favor of each of the parties hereto and in reliance upon the various representations and warranties contained herein; and

WHEREAS, the City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, has concurrently with adoption of this Ordinance pursuant to adoption of Resolution 2026-28, certified the FEIR as supplemented by the Supplemental CEQA Memorandum dated October 23, 2025, to address revisions to the Project and the Sunset Crossroads Project—Modified Project V2.1 Trip Generation Assessment dated February 20, 2026 to address further reductions in Project industrial square footage and related traffic impacts, each prepared by Urban Crossroads, Inc. (collectively "Supplemental CEQA Memoranda") and adopted Findings and Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program and determined that the FEIR as so supplemented sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects while feasibly attaining most of the basic objectives of the Project in accordance with CEQA and the State CEQA Guidelines and has determined that the "Project," as more fully described in the Development Agreement, has been fully analyzed per CEQA under the FEIR and all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. APPROVAL OF DEVELOPMENT AGREEMENT

That the City Council hereby approves the Development Agreement by and between the City of Banning and NP BANNING INDUSTRIAL, LLC A Missouri Limited Liability

Company (“Development Agreement”), a copy of which is attached hereto as Exhibit B and incorporated herein by this reference, subject to the terms and conditions stated therein.

SECTION 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE OF ORDINANCE

That this Ordinance shall take effect thirty (30) days after its second reading by the City Council.

SECTION 5. EFFECTIVE DATE OF DEVELOPMENT AGREEMENT

The Development Agreement shall not be executed by the City until on or after the effective date of the Ordinance.

SECTION 6. RECORDATION OF DEVELOPMENT AGREEMENT

The City Clerk is hereby directed to record the fully executed Development Agreement with the Riverside County Recorder no later than ten (10) days after its execution.

SECTION 7. CERTIFICATION

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.

INTRODUCED AND READ for the first time and ordered posted at a special meeting of the City Council of the City of Banning, California, held on the 26th day of February 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Banning, California, held on the 10th day of March 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1620 was duly introduced at a special meeting of the City Council of the City of Banning, held on the 26th day of February, 2026, and was duly adopted at a regular meeting of said City Council on the 10th day of March, 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

EXHIBIT A

Legal Description
LEGAL DESCRIPTION OF THE NORTHERN PORTION OF THE PROPERTY AND THE SLB EXTENSION

PARCEL A:

PARCELS 1 THROUGH 4, INCLUSIVE OF MAPS AND LETTERED LOTS A THROUGH J, INCLUSIVE, OF PARCEL MAP NO. 25541, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON FILE IN BOOK 166 PAGES 27 THROUGH 35, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

LEGAL DESCRIPTION OF THE SOUTHERN PORTION OF THE PROPERTY

PARCEL B:

PARCELS 1 THROUGH 9 AND LETTERED LOTS "A" THROUGH "O", ALL INCLUSIVE OF PARCEL MAP 28971, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 198 PAGES 8 THROUGH 10 INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM PARCELS 3 AND 7, THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015506 OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM PARCEL 3 ALL THAT PORTION CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED MARCH 22, 2002 AS INSTRUMENT NO. 2002-146041.

PARCEL C:

PARCELS 1 AND 2 AND LETTERED LOTS A, B, AND C OF PARCEL MAP 13521, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 83, PAGES 13 THROUGH 15, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF BANNING, A MUNICIPAL CORPORATION, BY DEED RECORDED JANUARY 15, 1998, AS INSTRUMENT NO. 98-015506, OFFICIAL RECORDS.

EXHIBIT B
Development Agreement

RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL
TO:

CITY OF BANNING
99 EAST RAMSEY STREET
BANNING, CA 92220
ATTN: CITY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXEMPT FROM RECORDING FEE PER GOVERNMENT CODE SECTION 6103

DEVELOPMENT AGREEMENT
NO. ___

A DEVELOPMENT AGREEMENT BETWEEN

CITY OF BANNING

AND

NP BANNING INDUSTRIAL, LLC

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EXHIBIT LIST

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DEVELOPMENT AGREEMENT NO. _____

This Development Agreement (hereinafter "Agreement") is entered into as of the Effective Date by and among the CITY OF BANNING (hereinafter "City"), and NP BANNING INDUSTRIAL, LLC, a Missouri limited liability company (hereinafter "Owner"). City and Owner are, collectively, the "Parties," and individually, a "Party". Initially capitalized terms used in this Agreement shall have the meanings set forth in Section 1.1 below.

RECITALS

1. City is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Article 11, Section 7 of the California Constitution and Section 65864, *et seq*. ("Development Agreement Law") of the California Government Code ("Government Code").

2. City has adopted Procedures and Requirements of the City of Banning For the Consideration of Development Agreements ("Procedures and Requirements"), pursuant to Section 65865 of the Government Code.

3. Owner is the owner of real property comprised of approximately 533.8 acres of land. The Property is divided for purposes of this Agreement into the northerly portion, comprising approximately 280.1 acres ("Northern Portion of the Property") located in the City, an additional approximately 8.52 acres of real property owned by Owner but subject to a public right of way easement in favor of the City for the future extension of Sun Lakes Boulevard ("SLB Extension") and the southerly portion, comprising approximately 253.7 acres ("Southern Portion of the Property"), located in unincorporated Riverside County ("County") within the Sphere of Influence of the City ("SOI"). The SLB Extension is subject to this Agreement but is not addressed by the Specific Plan. The Northern Portion of the Property, the SLB Extension, and the Southern Portion of the Property are collectively referred to herein as the "Property". The Northern Portion of the Property and the SLB Extension is described in Exhibit "A-1" to this Agreement, the Southern Portion of the Property is described in Exhibit "A-2" to this Agreement, and the Property is depicted in Exhibit "B" to this Agreement.

4. Owner has filed, or will be filing, and is seeking the approval of an annexation application pertaining to the Southern Portion of the Property ("Annexation Application") through the Local Agency Formation Commission for Riverside County ("LAFCO") pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 *et seq*. LAFCO is processing the Annexation Application concurrently with City's consideration of this Agreement and various land use entitlements detailed below.

5. The Parties acknowledge and agree that this Agreement shall be operative on the Northern Portion of the Property and the SLB Extension upon the Effective Date, and as established under the Development Agreement Law, this Agreement shall be operative on the Southern Portion of the Property upon approval of the Annexation Application.

6. Owner is proposing to develop and facilitate the future development on the Property of a project currently titled Sunset Crossroads, which is intended to include up to 268,400 square feet of commercial uses, and an approximately 125 room hotel on the Northern Portion of the

Property; (b) up to 4,749,000 square feet of industrial land uses within a 396.5-acre portion of the Property; (c) related signage; (d) and land for Open Space-Resources, and Open Space-Parks; and (e) circulation features, all as further set forth in the Specific Plan as modified by this Agreement.

7. Owner has initiated an application to City for this Agreement, and certain related land use entitlements and development rights (collectively, "Existing Development Approvals", and listed in Exhibit "C" to this Agreement), which were approved by City, specifically: (a) a General Plan Amendment, designated (GPA 20-2501) by City, changing the General Plan land use designation of the Property to the land uses identified on the General Plan Land Use Map attached as Exhibit "B" ("GPA"), (b) a Specific Plan (designated SP 20-2002) , by City, (c) a Zone Change (designated ZC 20-3502), (d) a tentative parcel map (designated TPM 38118), (e) a Tax Sharing and Reimbursement Agreement and (f) an Environmental Impact Report (designated EA 20-1506) by City, inclusive of the EIR, incorporating a mitigation monitoring and reporting program ("MMRP") and conforming to the specifications of the California Environmental Quality Act California Public Resources Code § 21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, § 15000 *et seq*. (collectively, "CEQA").

8. Owner has requested City to enter into a development agreement and proceedings have been taken in accordance with the Procedures and Requirements of City.

9. By electing to enter into this Agreement, City shall bind current and future Councils of City ("City Council") by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of City.

10. The terms and conditions of this Agreement have undergone extensive review by City and the City Council and have been found to be fair, just, and reasonable.

11. The best interests of the citizens of the City and the public health, safety and welfare will be served by entering into this Agreement.

12. All of the procedures of CEQA have been met with respect to the Project and the Agreement.

13. This Agreement and the Project are consistent with the City General Plan, the City of Banning Municipal Code and the Specific Plan.

14. All actions taken, and approvals given by City have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

15. This Agreement will confer substantial private benefits on Owner by granting vested rights to develop the Property in accordance with the provisions of this Agreement.

16. City has determined that development of the Property in accordance with this Agreement and Owner's participation in the implementation of the Specific Plan and provision of the Public Improvements will result in a number of public benefits will provide substantial benefits to City and will further important policies and goals of the City.

17. This Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, *et seq*. of the Government Code ("Development Agreement Law") are intended.

18. Owner has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

19. The development of the Project and the Public Improvements and other Public Benefits require a substantial early investment of money and planning and design effort by Owner. Without the protection provided by this Agreement, uncertainty that the Project may be completed in its entirety could result in a waste of public resources, escalate the cost of public improvements, and discourage Owner's provision of the Public Benefits specified in this Agreement. Owner's participation in the implementation of Project will result in a number of public benefits. These benefits require the cooperation and participation of City and Owner and could not be secured without mutual cooperation in and commitment to the comprehensive planning effort that has resulted in the Specific Plan and other development approvals adopted concurrently with this Agreement.

20. Owner wishes to avoid certain development risks and uncertainties that would, in the absence of this Agreement, deter and discourage Owner from making a commitment to implement the Project. The following assurances are of vital concern to Owner to offset or remove the disincentives and uncertainties:

a. Assurance to Owner that, in return for Owner's commitment to the development of the Property, City will in turn remain committed to development of the Project in accordance with the Development Plan and the terms of this Agreement and subject to the Reservations of Authority.

b. Assurances to Owner that as Owner becomes obligated for the costs of designing and constructing the public and private improvements described in the Project Approvals, and to make dedications, Owner will become entitled to rely upon the vested rights conferred by this Agreement in the development of the Property; and

c. Assurances to Owner that in City's administration of the Development Plan, Owner will be allowed, consistent with the Specific Plan, to develop the types and intensities of use identified in the Specific Plan.

21. The Parties agree that the consideration to be received by City pursuant to this Agreement and the rights secured to Owner hereunder constitute sufficient consideration to support the mutual and respective covenants and agreements of the Parties. By entering into this Agreement, City desires to vest in Owner certain rights and approvals as specified in this Agreement.

22. This Agreement provides assurances that the public benefits identified below will be achieved in accordance with the terms of this Agreement. Developer is willing, pursuant to the

terms of this Agreement, to make expenditures and provide benefits to the City including, without limitation, construction of improvements in a manner that benefits a wider area, and mitigates impacts resulting in part from certain existing conditions and cumulative development in addition to those impacts caused by the Project, thus conferring a public benefit on the City. The Project will provide local and regional public benefits to the City, including, without limitation:

a. Increased real property taxes, sales taxes, transit occupancy taxes and other revenues to the City.

b. Provision of public facilities, including the construction of the Sunset Avenue Improvements. The Sunset Avenue Improvements are depicted in Exhibit "F".

c. Provision of a Public Benefit Fee, an Accelerated Transportation DIF Payment to facilitate the construction of the SLB Extension, and a Service Special Tax.

d. Provision of funding for a Banning Electric Utility Substation.

e. Provision of $15,000,000 for a possible future fire station to be considered by the City pursuant to Section 5.10.4.

f. Provision of $1,000,000 for a new fire ladder truck or other fire suppression equipment.

g. Provision of $750,000 for City downtown beautification/small business assistance.

h. Dedication of property to the City as a site for a possible future fire station, a water tank, electrical substation and a reverse osmosis facility.

i. Establishment of a job fair to benefit City residents, and a requirement that all leases include language requiring lessees to provide two weeks' advance notice to City residents when new lessees are hiring employees.

j. Setting aside approximately 53 acres for Open Space Resource Land and approximately 5 acres for parks and recreational facilities ("Park").

k. Construction of the Park facilities, as specified in the Specific Plan ("Specific Plan Park Facilities") and maintenance of the Park.

l. Provision of both construction jobs and permanent jobs.

m. Provision of approximately $71,000,000 in City Development Impact Fees ("DIF"), TUMF and MSHCP impact fees and school fees, before the DIF transportation reduction specified herein.

n. Modifications to the Project analyzed in the EIR that are consistent with the Specific Plan to provide further buffer to certain nearby residential properties.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows unless another meaning is clearly intended in the context in which it appears:

"Accelerated Transportation DIF Payment" has the meaning set forth in Section 5.5.1.

"Additional Park Facilities" has the meaning set forth in Section 5.10.3.

"Agreement" means this Development Agreement.

"Annexation" has the meaning set forth in Section 4.1.

"Annexation Application" has the meaning set forth in Recital 4.

"Annexation Date" has the meaning set forth in Section 2.3.1.

"Annexation Deadline" has the meaning set forth in Section 2.3.1

"Annual Escalation Factor" has the meaning set forth in Section 6.2.2(c).

"Authorized Facilities and Fees" means facilities authorized under the Mello-Roos Act including, without exception, public streets and other related improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, water facilities, storm drain facilities, sewer facilities, public parks, open space and landscaping, electrical facilities, any fees (cash contribution) paid by Owner pursuant to the Project's conditions of approval or this Agreement or which is included in any City capital improvement fee program, to finance public facilities to be constructed and owned by City, subject to credit against the corresponding fee.

"Authorized Services" has the meaning set forth in Section 6.2.1.

"Banning Electric Final Contribution" has the meaning set forth in Section 5.9.3.

"Banning Electric Initial Contribution" has the meaning set forth in Section 5.9.1.

"Base Year" means the Fiscal Year prior to the effective date of the ordinance approving this Agreement.

"Benefitted Properties" has the meaning set forth in Section 5.12.1

"CEQA" means the California Environmental Quality Act.

"CFD" means a community facilities district formed pursuant to the Mello-Roos Act by the City as described in section 6.2.1.

"CFD Bonds" means one or more series of bonds (including refunding bonds) issued by the CFD secured by the levy of special taxes levied against taxable parcels within the boundaries of the Property, the proceeds of which reimburse the Owner for Authorized Facilities and Fees.

"Certificate" has the meaning set forth in Section 7.5.

"City" means the City of Banning, a political subdivision of the State of California.

"City Council" means the current and future councils of City.

"City Grant" has the meaning set forth in Section 5.9.6.

"City Manager" means the current and future city manager for the City.

"City Ordinance" means the Ordinance adopted by the City Council approving this Agreement.

"City Substation Payment" has the meaning set forth in Section 5.9.3.

"Conveyance Documents" has the meaning set forth in Section 5.9.3(a).

"County" means County of Riverside.

"CSCDA" has the meaning set forth in Section 6.2.1.

"Default" has the meaning set forth in Section 8.4.

"Design Review" has the meaning set forth in the Specific Plan.

"Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. When authorized by a Subsequent Development Approval as provided by this Agreement, "development" includes the maintenance, repair, reconstruction, or redevelopment of any building, structure, improvement, or facility after the construction and completion thereof.

"Development Agreement Law" as defined in Section 7 of the California Constitution and Section 65864, *et seq.* of the Government Code.

"Development Approvals" means all discretionary and ministerial permits and other entitlements authorizing the development and use of the Project and which have been

requested by Owner and approved by the City including, but not limited to the Existing Development Approvals and the following and any amendments thereto:

(1) General Plan Amendments

(2) Specific Plan

(3) Zoning Code Amendments

(4) Sign Program

(5) Tentative and Final Subdivision and Parcel Maps

(6) Lot line adjustments

(7) Minor Modifications to Specific Plan

(8) Variances

(9) Conditional use permits

(10) Design Review approvals

(11) Reimbursement Agreement

(12) DIF Credit and Reimbursement Agreement

(13) Grading and building permits

(14) Electrical and Misc. Permits

(15) Sign Permits

(16) Occupancy Permits

(17) Tenant Permits

"Development Exactions" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of Development Fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

"Development Fees" or "DIF" means any monetary exactions, other than Processing Fees, charged by City or local agencies under City's control to applicants in connection with approval of development projects for the purpose of defraying all or a portion of the cost of public improvements, public services or community amenities related to the Project or the Property.

"Development Limitation" has the meaning set forth in Section 2.3.2.

"Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

"DIF Vesting" has the meaning set forth in Section 5.11.

"DIF Vesting End Date" has the meaning set forth in Section 5.11.

"Effective Date" means the later of (i) the date the City Ordinance approving this Agreement becomes effective; or (ii) the date the Agreement is recorded in the County Recorder's Office.

"Engineer's Estimate" has the meaning set forth in Section 5.9.2.

"EIR" means Environmental Impact Report, State Clearinghouse No. 2021020011, addressing the impacts of the Project, certified by the City in accordance with the requirements of CEQA and includes, without limitation, the Draft EIR, the Final EIR and all technical appendices, as the EIR has been supplemented as described in City Resolution 2026-28 certifying the EIR.

"Electrical Property" has the meaning set forth in Section 5.8.3.

"Existing Development Approvals" means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the list of Existing Development Approvals incorporated herein as Exhibit "C" and all other Development Approvals which are a matter of public record on the Effective Date or the finalization of which is contingent only upon this Development Agreement becoming effective.

"Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and includes the Land Use Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations which are a matter of public record on the Effective Date, as the same may have been modified or superseded pursuant to the Existing Development Approvals or this Agreement.

"Fair Share" shall have the meaning set forth in Section 5.12.2.

"Fire Equipment Payment" shall have the meaning set forth in Section 5.10.5.

"Fire Station Payment" shall have the meaning set forth in Section 5.10.4.

"Fire Station Property" shall have the meaning set forth in Section 5.8.1.

"Fiscal Year" means the period beginning on July 1 of each year and ending on the next succeeding June 30.

"Fueling Facility" has the meaning set forth in the Specific Plan.

"Government Code" means the California Government Code.

"GPA" has the meaning set forth in the Recitals hereto.

"Gross Tax Increment Revenue" shall mean, with respect to the Property, one hundred percent (100%) of the ad valorem tax revenue the City receives from the County with respect to the Incremental Assessed Property Value of the Property for any given Fiscal Year.

"Incremental Assessed Property Value" means, in any Fiscal Year, the difference between the assessed value of the Property and the assessed value of the Property in the Base Year, to the extent that the difference is a positive number.

"Industrial Property" has the meaning set forth in Section 6.2.2(b).

"Initial Phasing Plan" means the phasing plan set forth on Exhibit "E-1".

"LAFCO" means the Local Agency Formation Commission for Riverside County.

"Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings and structures, Development Exactions, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the property. "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation, or official policy, governing:

(1) The conduct of businesses, professions, and occupations;

(2) Taxes and assessments;

(3) The control and abatement of nuisances;

(4) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

(5) The exercise of the power of eminent domain.

"Maximum Reimbursement Payment" has the meaning set forth in Section 6.4.

"MARA Agreement" has the meaning set forth in Section 5.4.

"Mello-Roos Act" means the Mello-Roos Community Facilities Act of 1982 (Cal. Gov't Code §§ 53311-53368), as amended from time to time.

"MMRP" means a mitigation monitoring and reporting program, as more fully described in the Recitals hereto.

"Mortgage" means any mortgage, deed of trust, sale and leaseback arrangement (in which the Property, or a portion thereof or an interest therein is sold by Owner and leased back

concurrently therewith, which arrangement is subject to no prior contractual encumbrances securing payment of money), or other transaction in which the Property, or a portion thereof or an interest therein is pledged as security contracted in good faith and for fair value.

"Mortgagee" means the holder or beneficiary of any Mortgage covering all or part of the Property or any successor and assignee of any such Mortgage holder or beneficiary.

"Non-DIF Sunset Improvements" has the meaning set forth in Section 5.6.

"Northern Portion of the Property" has the meaning set forth in Recital 3.

"Offsite Interests" has the meaning set forth in Section 3.9.

"Operating Memoranda" has the meaning set forth in Section 11.7.

"Outside Agencies" has the meaning set forth in Section 3.7.

"Outside Agency" has the meaning set forth in Section 3.7.

"Oversized Improvements" shall mean any Public Improvement with respect to which the Parties agree that Owner's direct or indirect financial contribution exceeds the cost of the Improvement or portion thereof reasonably attributable to the Project or phase thereof, as depicted in Exhibit "F".

"Owner" means the persons and entities listed as Owner on the first page of this Agreement and their successors in interest to all or any part of the Property.

"Owner's Costs" has the meaning set forth in Section 5.5.2(d)(iii).

"Owner's Deficit" has the meaning set forth in Section 5.5.2(d)(iii).

"Owner's Offset" has the meaning set forth in Section 5.5.2(d)(iii).

"Owner's Plan" has the meaning set forth in Section 5.5.2(b).

"Park" has the meaning set forth in Recital 22.j.

"Permitted Uses" has the meaning set forth in Section 3.4.3.

"Phasing Plan" has the meaning set forth in Section 3.5.2.

"Procedures and Requirements" means the Procedures and Requirements of the City of Banning For the Consideration of Development Agreements.

"Processing Fees" has the meaning set forth in Section 3.3.1.

"Project" means the development of the Property contemplated by the Development Plan as the same may be further defined, enhanced, or modified pursuant to the provisions of this Agreement.

"Property" means the real property described on Exhibits "A-1" and "A-2."

"Public Benefit Fee" has the meaning set forth in Section 5.2.

"Public Benefits" means the Public Improvements constructed by Owner pursuant to this Agreement, including the Oversized Improvements (subject to the right of Owner for reimbursement and/or fee credit as described in this Agreement), the payment of Owner's Fair Share of Public Improvements and the additional matters described as public benefits in Section 5.

"Public Improvements" has the meaning set forth in Section 5.3.

"Public Maintenance and Access Easements" has the meaning set forth in Section 5.4.

"Reduced Tolling Obligations" has the meaning set forth in Section 2.3.

"Regulatory Change" has the meaning set forth in Section 3.2.

"Retail Plan" has the meaning set forth in Section 3.11.

"Retail Date" has the meaning set forth in Section 3.11.

"Retail Threshold" has the meaning set forth in Section 3.11.

"Reimbursement Payment" has the meaning set forth in Section 6.4.

"RCA" means the Regional Conservation Authority.

"RCTC" means the Riverside County Transportation Commission.

"RMA" has the meaning set forth in Section 6.2.2.

"Reservations of Authority" means the rights and authority reserved to City under Section 3.6 of this Agreement and not a part of the assurances and rights provided to Owner under this Agreement.

"RO Property" has the meaning set forth in Section 5.8.4.

"Sales Tax Revenue" means the City's share of annual State sales tax revenue received from the State and/or County attributable to the Property.

"Service Special Tax" has the meaning set forth in Section 6.2.2(b).

"SLB Estimated Completion Date" has the meaning set forth in Section 5.5.2(a).

"SLB Extension" has the meaning set forth in Recital 3, as depicted in Exhibit "F".

"SLB Extension Completion Date" has the meaning set forth in Section 5.5.

"SOI" has the meaning set forth in Recital 3.

"Southern Portion of the Property" has the meaning set forth in Recital 3.

"Specific Plan" means the Sunset Crossroads Specific Plan (Specific Plan No. 20-20000002) as the same may be amended or modified from time to time consistent with the requirements of this Agreement.

"Specific Plan Park Facilities" has the meaning set forth in Recital 22.k.

"Subsequent Installment" has the meaning set forth in Section 5.2.2.

"Substation" has the meaning set forth in Section 5.9.1.

"Substation Clearances" has the meaning set forth in Section 5.9.1.

"Substation Costs" has the meaning set forth in Section 5.9.1.

"Substation Excess Cost Documentation" has the meaning set forth in Section 5.9.3.

"Substation Fair Share Percentage" has the meaning set forth in Section 5.9.3(b).

"Substation Funding Date" has the meaning set forth in Section 5.9.3.

"Substation Reimbursement" has the meaning set forth in Section 5.9.3(b)

"Subdivision Map" means any parcel map or tract map approved by the City pursuant to the Subdivision Map Act, including without limitation Parcel Map No. _____.

"Subdivision Map Act" means Government Code Section 66410, et seq.

"Subsequent Development Approvals" means all Development Approvals approved after the Effective Date in connection with development of the Property that are adopted in accordance with the Development Plan or in accordance with Subsequent Land Use Regulations adopted consistent with the requirements of this Agreement, including the Reservation of Authority, but specifically excluding the Existing Development Approvals.

"Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement that are adopted in accordance with the Development Plan and the requirements of this Agreement, including the Reservation of Authority.

"Sunset Avenue Improvements" has the meaning set forth in Section 5.6, as depicted in Exhibit "F".

"Term" has the meaning set forth in Section 2.3.1.

"Third Party Fair Share Payments" has the meaning set forth in Section 5.6.

"Tolling Period" has the meaning set forth in Section 2.3.

"Transfer" means sale, assignment, lease, sublease, or any other transfer of a legal or equitable interest in the Property.

"Travel Center Retail Uses" has the meaning set forth in the Specific Plan.

"TUMF Agreement" has the meaning set forth in Section 5.5.2(d)(ii).

"Water Tank Property" has the meaning set forth in Section 5.8.2.

"WRCOG" means the Western Riverside Council of Governments.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit "A-1"	Legal Description of the Northern Portion of the Property and the SLB Extension
Exhibit "A-2"	Legal Description of the Southern Portion of the Property
Exhibit "B"	Map Showing Property and Its Location
Exhibit "C"	Existing Development Approvals
Exhibit "D"	Existing Land Use Regulations
Exhibit "E-1"	Initial Phasing Plan
Exhibit "F"	Public Improvements
Exhibit "G-1"	Modifications to Project
Exhibit "G-2"	DIF Credit and Reimbursement Agreement
Exhibit "H"	Development Fees in Effect as of Effective Date
Exhibit "I"	Fair Share Payments

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. Each Owner represents and covenants that it is the owner of a legal or equitable interest in the Property or a portion thereof.

2.3 Term.

2.3.1 Commencement. For the Northern Portion of the Property and the SLB Extension, the term of this Agreement shall commence on the Effective Date. For the Southern Portion of the Property, this Agreement shall become operative on the recordation date of the LAFCO Certificate of Completion. ("Annexation Date"). This Agreement shall remain in effect for thirty (30) years from the Effective Date unless this term is modified or extended pursuant to the provisions of this Agreement ("Term"). The Annexation Date shall be no later than June 15, 2030 or such subsequent date as may be determined based upon intervening Development Limitations as that term is defined below in Section 2.3.2 or the Parties' written agreement to extend this time period ("Annexation Deadline"). In the event that either the Annexation or another successor annexation effort relative to the Southern Portion of the Property is not complete by the Annexation Deadline, either Party may terminate this Agreement as a matter of right upon written notice to the other per Section 2.7 below. Notwithstanding the foregoing, the provisions of Sections 5.2, 5.4, 5.4.1, 5.5, 5.6 and 6.4 shall survive the expiration or the termination of this Agreement.

2.3.2 Extensions for Development Limitations. Notwithstanding the Parties' expectation that there will be no limit or moratorium upon the Project's development or the issuance of any Development Approvals, building or other development related permits ("Development Limitation") during the Term, the Parties understand and agree that various third Parties may take action causing a de facto Development Limitation. Such third party actions include the filing of litigation challenging the City's issuance of any Development Approval, including this Agreement and the following potential Development Limitations. Consequently, the Term, all Development Approvals and all obligations imposed pursuant to this Agreement shall be extended day for day for any delay caused by any of the following potential Development Limitations for a time equal to the duration of that delay occurring during the Term as further provided below:

(a) floods, earthquakes, other Acts of God, fires, moratoria enacted by governmental entities or agencies, including Owner's inability to obtain any kind of utility service to serve the Project, litigation challenging this Agreement or any Development Approvals, injunctions issued by any court of competent jurisdiction applicable to this Agreement or the Development Approvals, acts of the public enemy, wars, riots or similar hostilities; epidemics, quarantine, pandemics or other national, state, or local mass medical emergencies, restrictions; freight embargoes, lack of transportation, unusually severe weather, inability to secure or delays in securing labor, fuels, materials, services or tools, delays due to the existence or remediation of hazardous materials, acts of God, riots, war or acts of terrorism;

(b) Strikes or other labor problems, or delays of any contractor, subcontractor or supplier;

(c) Any national, state, county or local state of emergency declared by a duly authorized public official;

(d) Any delays resulting from the unreasonable delay or failure of a governmental agency or entity, excluding the City, to perform any act or to issue any permit or approval necessary for the Project where such delay or failure is beyond the reasonable control of the Owner and not caused by any act or omission of the Owner;

Each Party shall promptly notify the other Party to this Agreement upon learning of any Development Limitation. If any Party to this Agreement is prevented (the filing of a lawsuit by a third party attacking this Agreement or the Development Approvals is deemed to prevent any Party from performing its obligations under this Agreement or the Development Approvals) by any Development Limitation from performing its obligations under this Agreement, then on the condition that the Party claiming a Development Limitation (i) did not cause said event(s) and (ii) said event(s) was beyond said Party's reasonable control, the time for performance by said Party of the applicable obligations under this Agreement shall be extended day for day by a number of days equal to the number of days of that said Development Limitation continued in effect or by the number of days it takes to repair or restore the damage caused by the Development Limitation to the condition which existed prior to the occurrence, whichever is longer, or longer as the Parties may mutually agree ("Tolling Period"). Regarding the applicable time periods of Owner's satisfaction of obligations under Sections 3.11 (Retail Development Obligations), 5.2.1 and 5.2.2 (Public Benefit Fee), 5.5.1 (Accelerated Transportation DIF Payment), 5.8.1 (Fire Station Property), 5.8.2 (Water Tank Property), 5.8.3 (Electrical Property), 5.8.4 (RO Property), 5.9.1 (Banning Electric Initial Contribution), 5.9.3(Substation Funding Date), 5.10.2 (Open Space Dedication), 5.10.3 (Park Dedication) 5.10.4 (initial Fire Station Payment), and 5.10.6 (City Grant) (collectively, "Reduced Tolling Obligations"), when such Development Limitation terminates, all of the Reduced Tolling Obligations' respective time periods for satisfaction shall be extended only ten (10) business days after the Development Limitation terminates.

2.4 Transfer.

2.4.1 Right to Transfer. Owner shall have the right to transfer the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act) to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such, transfer shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No transfer of any right or interest under this Agreement shall be made unless made together with the transfer of all or a part of the Property.

(b) Concurrent with any such transfer, or within thirty (30) days thereafter, Owner shall notify City, in writing, of such transfer and shall provide City with an executed agreement by the transferee providing therein that the transferee expressly and unconditionally assumes all the duties and obligations of

Owner under this Agreement with respect to the portion of the Property so transferred.

(c) Notwithstanding the failure of any transferee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such transferee, but the benefits of this Agreement shall not inure to such transferee until and unless such agreement is executed.

2.4.2 Release of Transferring Owner.

(a) Notwithstanding any transfer, a transferring Owner shall continue to be obligated under this Agreement until the full satisfaction by such transferring Owner of the following conditions and upon such satisfaction shall be released from the obligations under this Agreement: (i) Owner no longer has a legal or equitable interest in all or any part of the Property; (ii) Owner is not then in default under this Agreement; (iii) Owner has provided City with the notice and executed agreement required under Section 2.4.1(b) above; and (iv) The transferee provides City with security equivalent in all respects to any security previously provided by Owner to secure performance of its obligations hereunder. If City previously had not required the posting of security, then City shall not require the transferee to provide such security.

(b) If requested by transferring Owner, the City shall promptly memorialize such release in writing upon satisfaction of the foregoing conditions. A default under this Agreement by Owner shall not be considered or acted upon by the City as a default by the transferee and shall not affect the transferee's rights or obligations hereunder. Likewise, a default by a transferee relating to the transferred property shall not be considered or acted upon by the City as a default by Owner and shall not affect Owner's rights and obligations hereunder.

2.4.3 Subsequent Transfer. Any subsequent transfer after an initial transfer shall be made only in accordance with and subject to the terms and conditions of Section 2.4.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868 or 65865.1. This provision shall not limit any remedy of City or Owner as provided by this Agreement. In the case of amendments affecting portions of the Property, only the consent of the owner of such portion of the Property shall be required so long as the amendment does not diminish the rights appurtenant to or increase the burdens upon any other portion of the Property. Any Subsequent Land Use Approval pursuant to this Agreement and any amendment of the Land Use Regulations including to the General Plan, the Specific Plan or City's zoning ordinance, shall not require amendment of this Agreement. Instead, any such amendment shall be deemed to be incorporated into this Agreement at the time that such amendment is approved by the City Council.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of the ordinance approving this Agreement, provided the time for filing any return to writ has also expired.

(c) The adoption of a referendum measure overriding or repealing the City Ordinance.

(d) Owner's election to terminate this Agreement. It is understood that the majority of the industrial development allowed by the Development Approvals is located on land that must be annexed to the City with the approval of LAFCO. Therefore, if LAFCO denies the Annexation of the Property not due to the acts or omissions of Owner, Owner may elect, in its sole and absolute discretion, not to develop the Property in accordance with the Development Approvals and terminate this Agreement and the Development Approvals prior to the issuance of a grading permit for the industrial development. In such a situation, Owner shall provide notice of said election to terminate this Agreement and the Development Approvals to the City, and this Agreement and the Development Approvals shall be terminated . The Parties, if they mutually agree, may enter into a meet and confer process to determine if any of the Development Approvals within the boundaries of City should be retained and not terminated. Following receipt of Owner's notice of election to terminate this Agreement and Development Approvals, Owner and City shall execute an appropriate instrument in recordable form evidencing such termination of ~~and rescinding~~ the Development Approvals as provided in the preceding sentence. In the event that City has received any monetary payments from Owner under Section 5.5.1 (Accelerated DIF), 5.9.1 (Electrical Substation), 5.10.4 (Fire Station) or 5.10.6 (City Grant) prior to Owner's termination under this Section 2.6(d), it shall return such payments to Owner within thirty (30) days from receipt of Owner's election to terminate this Agreement and the Development Approvals~~and rescind the Development Approvals~~, less the amount of any design or construction fees for the fire station incurred prior to such termination, and provided further that the amount of Three Million Dollars ($3,000,000) provided for in Section 5.2.1 shall not be subject to termination, reimbursement or repayment under any circumstances. However, any construction completed by Owner prior to such termination shall be subject to applicable DIF. Further, it is understood that City does not collect TUMF and MSHCP and that Owner will be solely responsible to recover any such amounts from WRCOG and RCA, as applicable, with no liability to City whatsoever.

(e) Upon the termination of this Agreement, no Party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

2.7 Notices.

2.7.1 As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment, or other communication required or permitted hereunder: (a) when hand delivered to the other Party; (b) five (5) days after such notice has been sent by United States mail via certified mail, return receipt requested, postage prepaid, and addressed to the other Party as set forth below; or (c) two (2) days after such notice has been deposited with a national overnight delivery service reasonably approved by the Parties (Federal Express, United Parcel Service and U.S. Postal Service are deemed approved by the Parties), postage prepaid, addressed to the Party to whom notice is being sent as set forth with next Business-Day delivery guaranteed, or (d) on the date of delivery shown in the email records of the Party sending the email, provided that the sending Party either receives a confirmation of delivery from the persons to whom the email is addressed or follows the provisions for notice set forth in clauses (a), (b) or (c) within two (2) days following email transmittal.

2.7.2 Unless otherwise provided in writing, all notices hereunder shall be addressed as follows:

If to City:

City Clerk
City of Banning
99 East Ramsey Street
Banning, CA 92220

with copies to:

City Manager
City of Banning
99 East Ramsey Street
Banning, CA 92220

and to:

Community Development Director
City of Banning
99 East Ramsey Street
Banning, CA 92220

And to:

City Attorney
City of Banning
99 East Ramsey Street
Banning, CA 92220

If to Owner:

NP Banning Industrial, LLC
Attn: Nathaniel Hagedorn
3315 N. Oak Trafficway
Kansas City, MO 64116
Email: jschrenk@northpointkc.com

with copies to:

John C. Condas, Esq.
Allen Matkins Leck Gamble Mallory & Natsis LLP
2010 Main Street, Suite 800
Irvine, CA 92614
email: jcondas@allenmatkins.com

and to:

NorthPoint Development, LLC
Attn: Asst. General Counsel
3315 N. Oak Trafficway
Kansas City, MO 64116
Email: legal@northpointkc.com

and to:

NP Banning Industrial, LLC
Attn: J.J. Jenkins
12977 N. Outer Forty Rd., Suite 203
St. Louis, MO 63141
Email: jjenkins@northpointkc.com

2.7.3 Any Party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a Party or an officer or representative of a Party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by any such change.

2.8 Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: (a) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); (b) acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed; and (c) addressing such other reasonable and customary matters as Owner may request. Any such statement may be relied upon by any prospective purchaser or encumbrances of all or any portion of the Property. Upon Owner's written request, City shall issue a certificate of performance evidencing completion of any of Owner's obligation(s) under this Agreement.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Vested Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, Owner shall have a vested right to develop the Project on the Property during the Term of this Agreement in accordance with, and to the extent of, the Development Plan. City covenants that it will not initiate, so long as this Agreement remains in effect, any amendment to the General Plan directly applicable to the Property, the Project's zoning as established by the Development Plan or the Specific Plan in a manner that Owner reasonably deems contrary to its interest in, or use of the Property. Except as otherwise provided in this Agreement, the Permitted Uses of the Property shall include construction of commercial and/or industrial buildings and appurtenant structures, installation of all improvements and infrastructure reasonably incident thereto, as permitted under the Development Plan and this Agreement, including without limitation as set forth in Section 3.4.3, and the density or intensity of use of the Property and the maximum height and size of proposed buildings shall be as set forth in the Development Plan. Provisions for reservation or dedication of land for public purposes applicable to the Property shall be those set forth in Section 5.10.3 of this Agreement and the Development Plan. Subject to the other provisions of this Agreement, Owner shall have the right to increase the density and intensity of use of any portion of the Property by a transfer of density or floor area from other portions of the Property in excess of the density and intensity limitations specified under and consistent with the Development Plan. Nothing herein is deemed or interpreted to vest an increase in the overall density or intensity of use of the Property as a whole, and any density transfer shall fully conform to the requirements of the Specific Plan. Additionally, notwithstanding the language of this Section or any other language in this Agreement, all specifications, standards and policies regarding the design and construction of public works facilities, if any, shall be those that are in effect at the time the applicable Project plans are being processed for approval.

3.2 Effect of Agreement on Land Use Regulations. In accordance with the terms of Government Code § 65866, except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings and structures, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Development Plan. The Development Plan shall continue to apply to the Project and to the reconstruction of any Project improvements damaged or destroyed from any cause. Except as otherwise provided in this Agreement, no amendment, revision of, or addition to the Development Plan that would affect the Project or increase the obligations or decrease the rights of Owner hereunder or under the Development Plan ("Regulatory Change") shall be made without Owner's consent, whether adopted or approved by the City Council or any office, board commission or other agency of City, or by the people of City through an initiative measure. Furthermore, no such Regulatory Change shall be effective or enforceable by City with respect to the Project or the Property, nor against Owner or its successors or assigns. However, nothing in this Section shall preclude City: (i) from applying the Subsequent Land Use Regulations authorized by Section 3.3.1 or (ii) from denying or conditionally approving any subsequent development project application on the basis of the Development Plan (except for this Agreement, the amendment process for which is set forth in Section 2.5) as it may be amended or modified from time to time, but only at the written request of Owner or with the written consent of Owner in its sole and absolute discretion. All amendments to the Development Approvals shall automatically become part of the Development Plan.

3.3 Reservations of Authority.

3.3.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Reasonable processing fees and charges for land use, approvals of entitlements and mitigation monitoring imposed by City to cover the estimated actual costs to City of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued ("Processing Fees"); provided that: (i) such Processing Fees are in force and effect on a City-wide basis at the time application is submitted for such permits, approvals or entitlements; and (ii) any Processing Fees shall not exceed an amount which will compensate City for the estimated reasonable cost and increases incurred, as permitted pursuant to Government Code Section 54990. City may also increase Processing Fees based on any increase in the estimated reasonable cost to City of performing the work for which the particular Processing Fee is paid provided that such increases are made on a City-wide basis. In addition, all processing fees and charges for plan checks, building permits and inspections, excluding all such charges imposed by the City Public Works Department, shall be based upon the City fee schedule in effect at the time such permits and inspections are sought.

(b) Regulations prescribing or relating to procedural matters, hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure excluding those set forth in the Development Plan.

(c) Regulations governing construction standards and specifications including, without limitation, the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code applicable in City.

(d) Regulations imposing Development Fees, subject to the provisions of Section 5.11 below.

(e) Regulations that are reasonably necessary to protect the public health and safety regardless as to whether they conflict with the Development Plan. To the extent feasible , any such regulations shall be applied and construed so as to provide Owner with the rights and assurances provided under this Agreement.

(f) Regulations that do not conflict with the Development Plan. For purposes of this Section, a Subsequent Land Use Regulation shall be deemed in conflict with the Development Plan if it substantially increases the cost of development or reduces the Project unit or square footage, yield, or materially limits the rate, timing, or sequencing of development of the Property. Any regulation, whether adopted by initiative or otherwise, materially limiting the rate or timing of development of the Property shall be deemed in conflict with the

Development Plan and shall therefore not be applicable to the development of the Property.

(g) Regulations for which Owner has given written consent to be applied to development of the Property, regardless of whether they conflict with the Development Plan.

(h) Regulations that City is required to adopt and/or enforce by applicable state or federal law.

3.3.2 Subsequent Development Approvals. This Agreement shall not prevent City, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations, that are approved in writing by Owner, nor shall this Agreement prevent City from denying or conditionally approving any Subsequent Development Approval on the basis of the Development Plan or any Subsequent Land Use Regulation, authorized pursuant to Section 3.3.1 or approved by Owner in writing.

3.3.3 Modification or Suspension by State or Federal Law. In the event that state or federal laws or regulations, enacted after the Effective Date of this Agreement, preempt, prevent, or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce and the provisions of Section 11.4 shall apply to any modifications or suspensions pursuant to this Section.

3.3.4 Intent. The Parties acknowledge and agree that City is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to City all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to City all such power and authority which cannot be restricted by contract.

3.4 Subsequent Development Review.

3.4.1 Processing of Subsequent Development Applications. In connection with any Subsequent Development Approval, City shall exercise its discretion in accordance with the Development Plan and as provided by this Agreement including, but not limited to, the Reservations of Authority; provided however that Subsequent Development Approvals shall not be disapproved, conditioned or delayed by City for reasons inconsistent with the Development Plan or the provisions of this Agreement and the conditions, terms, restrictions, and requirements for any subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Development Plan or this Agreement. City shall accept for processing, review and action all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters, consistent with the Development Plan. Following approval of each Subsequent Development Approval, Owner shall have the vested right to develop pursuant to said approval to the same extent that Owner has the vested right to develop pursuant to the Development Plan. If,

as of the date Owner applies for any Subsequent Development Approval, Owner has fulfilled, or irrevocably committed itself with respect to, any obligation on its part to finance or otherwise contribute its share of the public improvements applicable as of that date and made appropriate arrangement to cause the construction of such public improvements subject to a Reimbursement Agreement under Section 5.12.1, City shall not withhold such Subsequent Development Approval on the basis of any delay in obtaining the financial or other contributions of any other property owner or Owner to such improvements. Nothing in this Agreement shall be interpreted to require the City to pay, from its general fund, special fund or any other fund, the costs of all or any part of the Project or related public improvements other than as expressly provided in Section 5 of this Agreement with respect to the Public Improvements as specified in this Agreement, and, if no other method of providing such Public Improvements is available, the provisions of Section 5.12 shall apply to the extent applicable.

3.4.2 Additional CEQA Review. City shall not require Owner to obtain any approvals or permits for the development of the Project in accordance with this Agreement other than those permits or approvals that are required by the Development Plan or this Agreement. The Parties agree that this Agreement does not modify, alter or change City's obligations pursuant to CEQA and acknowledge that future discretionary actions may require additional environmental review pursuant to CEQA. In the event that additional environmental review is required by CEQA, City agrees to utilize tiered environmental documents, including the use of addenda, to the fullest extent permitted by law, as determined by City, and as provided in California Public Resources Code Sections 21093 and 21094. The Community Development Director shall make the determination as to the level of CEQA documentation (exemption, addendum, supplemental EIR, supplemental MND, or subsequent EIR or no further review required), that is appropriate and may request and obtain technical information as necessary to make this determination. Because the Project has been extensively reviewed in the EIR, it is the intent of City in adopting this Agreement and the Existing Development Approvals that applications for implementing approvals for the Project, including with respect to grading, improvements, individual maps, buildings or phases, consistent with the Development Plan shall not require additional review under CEQA, provided that none of the conditions are present which require further environmental review under CEQA, including but not limited to Public Resources Code Section 21166 and provisions that may require an Addendum to the EIR under CEQA Guidelines Section 15164.

3.4.3 Permitted Uses. The Project is designed to include regional commercial uses, including up to 200,000 square feet of large single tenant use and other commercial retail and restaurant uses, a hotel and warehouse and industrial uses, which constitute Permitted Uses (defined below) in the Specific Plan. However, because the buildings in the commercial and industrial areas of the Property will be leased to third parties, the Specific Plan provides for a range of allowable uses. Therefore, while the uses described above may be developed under the Development Plan, the Development Plan does not require these uses to be implemented and any of the commercial land uses listed in Table 3-1 of the Specific Plan are deemed to be consistent with the Development Plan and allowed uses so long as the City determines either that the environmental impacts of such uses do not generate new significant unmitigatable impacts as compared with what was disclosed in the EIR or supplemental environmental analysis is performed by the City as required by CEQA. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses in this Planning Areas is provided in Chapter 3, Development Standards of the Specific Plan ("Permitted Uses"). City, in considering an application for a specific use, shall

determine whether there are significant environmental impacts resulting from such proposed use not addressed in the EIR, as supplemented, and in that case whether to prepare additional environmental documentation. If the environmental impacts exceed the impacts disclosed in the EIR or subsequent environmental documentation previously approved by City, City shall undertake additional environmental review in compliance with CEQA prior to approving any such use.

3.5 Timing and Phasing of Development.

3.5.1 Timing of Development. The Parties acknowledge that Owner cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Owner, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465, that the failure of the Parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such Parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that Owner shall have the right to develop the Property in such order and at such rate and at such times as Owner deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements for construction of Public Improvements set forth in the Development Plan or in the Phasing Plan, as the same may be amended from time to time.

3.5.2 Phasing of Development. Owner may phase its subdivision of the Property and/or any of the Planning Areas by applying for Subdivision Maps covering less than the entire Property or some discrete portion of any of the Planning Areas. Attached hereto as Exhibit "E" is an initial phasing plan for construction of the Project ("Initial Phasing Plan"), which may be modified from time to time as set forth in Section 3.5.3. The Initial Phasing Plan, and all subsequent revisions to the Initial Phasing Plan, shall insure that each building of each phase shall have adequate public facilities to service each building of each phase. The phasing plan in effect during any given time period shall be referred to as the "Phasing Plan". The Parties acknowledge and agree that Owner may modify the Phasing Plan at any time, in its sole and absolute discretion, as long as each phase or each building in each phase can be adequately serviced with all necessary public facilities related to such modification of the Phasing Plan. Notwithstanding the foregoing, if the Developer modifies the Initial Phasing Plan to increase or decrease the need for public facilities serving the buildings in one or more of the phases, Developer and City shall mutually agree to modify the public facilities to assure that each building of each phase has adequate public facilities to service each building of each such phase.

3.5.3 Deviation from Phasing Plan. The Parties acknowledge that Owner cannot at this time accurately predict the time schedule within which the Project will be developed, or the order in which particular phases or other portions of the Project will be developed, and that the rate, timing, order, and sequence of the development of the Project will depend on numerous circumstances beyond Owner's control, including, without limitation, market trends, demand, the condition of capital markets, interest rates, availability of financing and other economic and social factors. Therefore, so long as the Project is developed in accordance with the Development Plan (as these may be amended from time to time pursuant to this Agreement), Owner shall not be required to initiate or complete development of the Project, or any particular phase or portion of

the Project, within any specific period of time. Subject to the provisions of this Agreement, including but not limited to Sections 3.5.1 and 3.5.2, Owner shall develop the Project in accordance with the Owner's own time schedule as such schedule may exist from time to time, and Owner may determine which part of the Project shall be developed during each phase of the Project, it being the intent of the Parties hereunder to cure any deficiency in this Agreement by reason of any failure to provide for the timing of development by acknowledging and providing that Owner shall have the right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the good faith exercise of its objective business judgment. It is acknowledged, however, that any deviation from the project phasing set forth in the Phasing Plan agreed upon by the Parties may require modification of the timing and order of providing public facilities provided in the Existing Development Approvals in order to insure that each building of the Project is adequately serviced by all necessary Public Improvements. Owner shall give City written notice of any intended deviation from the phasing set forth in the Phasing Plan, as modified by any prior, noticed deviations, with such notices to include a revised phasing plan. By entering into this Agreement, Owner shall not be obligated to build any structures, make any improvement, or otherwise develop the Project, provided, however, that Owner's failure to develop the Project shall not preclude application to the Property of the taxes or assessments levied by any financing district in accordance with state law. Nothing in this Agreement shall be deemed to release Owner of the obligation to construct Public Improvements as required by this Agreement.

3.5.4 Project Construction Beyond 2027 EIR Buildout Year. The Parties agree and acknowledge that the EIR describes buildout of the Project by 2027 and that economic conditions or business factors, including without limitation, the timing of attracting tenants may influence the ability to complete construction of the Project by 2027. This Agreement in no way obligates Developer to commence or complete buildout of the Project by 2027. Therefore, with respect to any request for any discretionary Subsequent Development Approval which is subject to the final approval of the Director of Planning, the Director of Planning shall make an administrative determination as to whether the EIR together with any addendum thereto is sufficient for the issuance of the permit or approval or whether, as required by CEQA Section 21166 or CEQA Guidelines Sections 15162, 15163 and 15164, there have been substantial changes in the Project, circumstances or new information of substantial importance that would require additional environmental review. However, if Developer submits an application for a discretionary Subsequent Development Approval that is subject to recommendation or approval of the Planning Commission and/or City Council, those bodies shall make all applicable determinations under CEQA.

3.6 Changes and Amendments. The Parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event Owner finds that a change in the Existing Development Approvals is necessary or appropriate, Owner shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with Development Plan, except as otherwise provided by this Agreement including the Reservations of Authority.

3.6.1 Minor modifications to the Existing Development Approvals may be approved by the City Community Development Director and, if approved, shall be incorporated

herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and may be approved by the Community Development Director provided such change does not:

(a) Alter the permitted uses of the Property; or,

(b) Increase the density or intensity of use of the Property as a whole; or,

(c) Increase the maximum height and size of permitted buildings or structures in excess of 10% of the originally approved criteria; or,

(d) Increase the number of lots or parcels of any tentative parcel or subdivision map; or

(e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.7 Regulation by Outside Agencies. It is acknowledged by the Parties that governmental agencies, quasi-public entities, and public utilities not within the control of City ("Outside Agencies" and each an "Outside Agency") possess authority to regulate aspects of the development of the Property separately from or jointly with City and this Agreement does not limit the authority of such Outside Agencies. City shall use best efforts to cooperate with Owner in securing permits and approvals required from such Outside Agencies.

3.8 Public Works. If Owner is required by this Agreement to construct any public works facilities which will be dedicated to City or any Outside Agency (as defined below) upon completion, and if required by applicable laws to do so, Owner shall perform such work in the same manner and subject to the same requirements as would be applicable to City or such Outside Agency if it would have undertaken such construction

3.9 Provision of Real Property Interests by City. In any instance where Owner is required to construct any public improvement on land not owned by Owner, Owner shall at its sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event Owner is unable, after exercising reasonable efforts to acquire the real property interests necessary for the construction of such public improvements ("Offsite Interests"), and if so instructed by Owner and upon Owner's provision of adequate security for costs City may reasonably incur, City shall negotiate to attempt to purchase the Offsite Interests in order to allow Owner to construct the public improvements as required by this Agreement. If City is unable to acquire the Offsite Interests through a voluntary transaction, City shall consider acquiring the Offsite Interests through using its power of eminent domain to acquire such required real property interests. Owner shall pay all reasonable costs associated with such acquisition or condemnation proceedings and shall enter into a land acquisition agreement with City in a form approved by the City Attorney. This Section is not intended by the Parties to impose upon the Owner an enforceable duty to acquire land or construct any public improvements on land not owned by Owner, except to the extent that the Owner elects

to proceed with the development of the Project, and then only in accordance with valid conditions imposed by City upon the development of the Project under the Subdivision Map Act or other legal authority. If after using good faith efforts to acquire the Offsite Interests, Owner is unable to acquire the Offsite Interests, and City, in its reasonable discretion, refuses to use its power of eminent domain to acquire the Offsite Interests, City shall waive the requirement for Owner to acquire the Offsite Interests, or if development of the Project cannot proceed without acquisition of the Offsite Interests, the Parties shall meet and confer in good faith to attempt to devise alternatives to allow the Project to proceed without acquisition of the Offsite Interests.

3.10 City Covenants.

3.10.1 No Conflicting Land Use Regulations. City hereby represents and warrants to Owner that as of the Effective Date there are no rules, regulations, ordinances, or official policies of City that would materially interfere with development of the Project according to the Development Plan, provided the Southern Portion of the Property is annexed into the City.

3.10.2 Subdivision Map Extension and Other Development Approvals. As permitted by Section 66452.6 of the Government Code, each Subdivision Map, heretofore or hereafter approved in connection with development of the Property or the Project shall be extended and shall remain in effect for the term provided by the Subdivision Map Act or the term provided by this Agreement, whichever is longer. If Owner, in its sole and absolute discretion, chooses to process vesting tentative maps, City shall process such vesting maps in accordance with the Existing Land Use Regulations and the Subdivision Map Act, and any tentative map, either vesting or non-vesting, may be processed in phases. In addition, all other Development Approvals shall automatically be extended, without the need for filing extension applications, and shall remain in effect for the term provided by the Banning Municipal Code or the term provided by this Agreement, whichever is longer.

3.10.3 Additional Covenants. City agrees to take the following actions with respect to the development of the Project:

(a) Consider and approve signage consistent with the Sign Program requirements.

(b) Construct the SLB Extension. The specifications of the SLB Extension have not been established by the City. Once the City has finalized the specifications of the SLB Extension, the Parties shall use good faith efforts to enter into an Operating Memorandum as provided in Section 11.7 to confirm these specifications.

(c) Subject to the provisions of Section 5.9, construct the Substation and,

(d) Subject to the provision of Section 5.8.1, if the City determines to do so at a future date, any fire station.

3.10.4 Easements. City shall cooperate with Owner in connection with any arrangements for abandoning existing utility or other easements and facilities and the relocation

thereof or creation of any new easements within the Property necessary or appropriate in connection with the development of the Project. If any such easement is owned by City or any governmental agency under the control of City, City shall subject to applicable state law, at the request of Owner take such action and execute such documents as may be necessary to abandon and/or relocate such easements as necessary or appropriate in connection with the development of the Project.

3.11 Retail Development Obligations. Owner shall obtain all necessary approvals including but not limited to building permits and commence construction as provided in the building permits of a minimum of One Hundred Thousand (100,000) square feet of Project commercial uses ("Retail Threshold"), within thirty six (36) months after the Annexation Date ("Retail Date"). Thereafter, Owner shall diligently complete the One Hundred Thousand (100,000) square feet of Project commercial uses. Owner shall submit all required entitlement applications a minimum of six (6) months before the Retail Date. City and Owner shall process these entitlement applications promptly, using all reasonable good faith efforts. If Owner timely submits all required applications, the Parties may mutually agree upon extending the Retail Date in order to provide City with adequate time to process and consider approval of these entitlement applications. For the purposes of this section, "commercial uses" include any of the General Commercial uses authorized in the Specific Plan. If the Retail Threshold is not satisfied by the Retail Date, Owner shall pay the City Five Hundred Thousand Dollars ($500,000) thirty (30) days after the Retail Date, and an additional Five Hundred Thousand Dollars ($500,000) every six (6) months thereafter, if the Retail Threshold is not satisfied. Developer and City agree and acknowledge that the payments required hereunder are reasonable under the circumstances, that it would be extremely difficult or impossible to establish the damages that would be suffered by the City and the public by reason of Developer's failure to meet the Retail Threshold and therefore the payments provided in this paragraph are a reasonable estimate of such damages (which are not punitive) and which shall be deemed liquidated damages under Civil Code Section 1671 and other applicable law. Owner shall submit for City review a retail recruitment and tenant outreach plan (with a focus on anchor tenants) ("Retail Plan") within six (6) months of the Effective Date. The Retail Plan shall obligate Owner to recruit retail tenants. Owner shall regularly apprise City of Owner's efforts to attract potential or actual anchor tenants. A minimum of two (2) 100,000 square foot or larger retail commercial buildings (for single tenants) shall be constructed within the Retail/commercial area of the Project.

3.12 Planning Area 2. Following a joint Planning Commission/City Council public hearing with respect to the Project held on May 8, 2025, and in order to provide an additional buffer to existing residences east of Sunset Avenue consistent with the Specific Plan, the City has requested and Owner acknowledges and agrees that no construction of any warehouses, or the commencement of any Industrial uses shall occur in Planning Area 2. Within one hundred twenty (120) days of the Effective Date, Owner shall submit all applications necessary to process a General Plan Amendment, Specific Plan Amendment and Zone Change for Planning Area 2, to General Commercial (GC) uses, as specified in the Specific Plan. The City and Owner acknowledge and agree that any change in the Specific Plan designation of Planning Area 2 cannot proceed, if at all, unless and until City undertakes and completes environmental review under CEQA, and the City issues all necessary permits and clearances to authorize GC uses in Planning Area 2. The City and Owner acknowledge and agree that the mere submission of a Specific Plan

Amendment for Planning Area 2 does not commit the City to approve such an amendment or any other development applications submitted by Owner.

3.13 Planning Area 4 Buffer. Following a joint Planning Commission/City Council public hearing with respect to the Project held on May 8, 2025, and at the request of the City in order to provide an additional buffer to existing residences south of Bobcat Road consistent with the Specific Plan, Owner hereby agrees that it shall create a buffer area of at least one hundred fifty (150) feet between the building footprint of any building built in Planning Area 4 which has frontage on Bobcat Road. Included in this buffer area will be a minimum of twenty (20) feet of landscaped area.

3.14 Modifications to the Project to Decrease Environmental Impacts. Based upon input from the City Council at its January 28, 2026, hearing on the Project, Owner has agreed to provide additional modifications to the Project as specified below. These modifications are depicted in Exhibit "G-1".

3.14.1 Removal of Buildings in Planning Area 7. Owner acknowledges and agrees that no construction of any warehouses, or the commencement of any Industrial (LI) uses, as specified in the Specific Plan, shall occur in Planning Area 7.

3.14.2 Removal of Trailer Storage Yard. Owner acknowledges and agrees that no construction or use of a trailer storage yard shall occur in Planning Area 8.

3.14.3 Construction of a Truck Barrier System. Subject to approval of the City, Owner shall construct a truck barrier system on Sun Lakes Blvd. at the western boundary of the Property, to limit heavy truck access west of the Property along Sun Lakes Blvd. This truck barrier system is in addition to other Project improvements designed to prohibit heavy truck access west of the Property along Sun Lakes Blvd.

3.14.4 Modifications to the Improvement of Highland Home Road. Owner shall be required to and shall only construct improvements to Highland Home Road south of Sun Lakes Blvd. Owner shall not be obligated to construct improvements to Highland Home Road north of Sun Lakes Blvd., except for the construction of an access road to allow Banning Electric Utility to access the contemplated substation, subject to the reasonable approval of the City and Banning Electric Utility.

3.14.5 Modifications to the Improvements of Lincoln Avenue. Owner shall be required to and shall only construct improvements to Lincoln Avenue to the eastern edge of Smith Creek in Planning Area 6.

3.14.6 Public Bypass Route to Access Retail Development in Planning Area 1. In order to reduce trips traveling easterly along Sun Lakes Blvd. to Sunset Avenue to access retail development in Planning Area 1, Owner shall make accommodations for and construct road improvements to allow public vehicular access from Sun Lakes Blvd. to Lincoln Avenue. The City and Owner acknowledge and agree that construction of this bypass cannot proceed, if at all, unless and until City complies with CEQA, and all necessary permits and clearances are obtained by Owner.

3.14.7 Prohibition of Cold Storage and Freestanding Travel Center Uses. In order to reduce environmental impacts, Owner agrees that the Project shall not include any cold storage uses or a freestanding travel center, similar to travel centers operated by Flying J, Buc-ee's or Love's.

4. ANNEXATION.

4.1 Contemplated LAFCO Action. The Parties recognize that the Property includes land that presently is outside of the City, generally comprised of the Southern Portion of the Property, that is in the City's sphere of influence ("SOI") and subject to annexation by LAFCO ("Annexation"). Owner will be the applicant with respect to the Annexation. The Parties recognize that the Development Agreement Law authorizes the City to enter into a development agreement with Owner for property that is within the City's SOI. The Parties further agree and understand that prior to the contemplated Annexation, this Agreement shall function as a pre-annexation agreement with respect to the Southern Portion of the Property and bind the Parties as such.

4.2 Contemplated Action. Upon LAFCO approval of the Annexation, and the recordation of the Certificate of Completion, the Parties agree that the Agreement shall become operative on the Southern Portion of the Property. ~~The Parties agree that if LAFCO denies the Annexation, then, pursuant to Section 2.6(d), Owner, in its sole and absolute discretion, may terminate this Agreement, with no liability to Owner, in the event that LAFCO denies the Annexation, or any successor annexation application prepared by either of the Parties~~ .

4.3 Cooperation of City. The City agrees to support the Annexation and to use best efforts to achieve the prompt annexation of the Property within the SOI into the City.

4.4 Development of Annexed Property. The Parties agree that upon City approval of the Annexation by LAFCO, the rights of Owner to develop the Project upon the newly annexed portion of the Property in accordance with the Development Plan as set forth in this Agreement shall vest and become equivalent to the vested rights described above in Section 3.1 for the portions of the Property within the City jurisdictional boundaries as of the Effective Date.

5. PUBLIC BENEFITS, PUBLIC IMPROVEMENTS, AND DEVELOPMENT IMPACT FEES.

5.1 Intent. The Parties intend to provide consideration to the public to balance the private benefits conferred on Owner under this Agreement by requiring that Owner provide the Public Benefits described in this Section 5. The City has either previously approved or is in the process of considering various public improvements that may occur on or adjacent to the Property including the Sun Lakes Boulevard Extension, the Substation, a reverse osmosis facility and a potable water reservoir. Each of these public improvements has either undergone prior environmental (CEQA) review or is under consideration by the City or would, prior to construction, undergo applicable environmental (CEQA) review by the City and may proceed with or without development of the Project. Nonetheless, the Public Benefits include land conveyance and payments to be made to the City by Owner which land and payments may be utilized by the City for these and for other purposes to the extent described in this Agreement, in the event the City does not proceed with construction of such public improvements.

5.2 Public Benefit Fee. Owner shall pay the City a Public Benefit Fee ("Public Benefit Fee") equal to the lesser of either Eight Million Dollars ($8,000,000) or One Dollar and Forty Four Cents ($1.44) per square foot of entitled warehouse/logistics/industrial building square footage. Furthermore, the Public Benefit Fee shall be paid in installments subject to the following terms and conditions:

5.2.1 First Installment. In consideration for the City entering into this Agreement, Owner shall pay the first installment of the nonrefundable Public Benefit Fee of Three Million Dollars ($3,000,000) (First Installment") by wire transfer in immediately available funds within sixty (60) days of the Effective Date without extension for any reason such as denial of the Annexation by LAFCO, a Development Limitation, force majeure, lawsuit challenging this Agreement or the Development Approvals or Tolling Period. In the event that ~~and provided that if~~ such payment is not made within such sixty (60) days, this Agreement and the Development Approvals shall, without the necessity of notice or cure, terminate. However, the provisions providing for the City to retain the First Installment shall survive such termination. Notwithstanding anything to the contrary in this Agreement and the Development Approvals, they shall not be deemed to be vested rights of Owner until the First Installment is made. If Owner elects to terminate this Agreement and the Development Approvals as provided for in this Agreement, the rights under this Agreement and the Development Approvals shall be deemed not to be vested.. ~~and be of no further force or effect~~.

5.2.2 Subsequent Installments. Following the issuance of occupancy permits for the first 694,444 square feet of warehouse/logistics/industrial buildings, Owner shall pay subsequent installments of the Public Benefit Fee upon issuance of occupancy permits for each warehouse/logistics/industrial building on a square-foot-by-square foot basis at the rate of One Dollar and Forty Four Cents ($1.44) per square foot ("Subsequent Installments").

5.2.3 Sales Tax Credits. Owner may claim Sales Tax Revenues generated by the Industrial Property (as defined below) as a credit on a dollar-for-dollar basis toward future Subsequent Installments up to a maximum cumulative credit of Two Million Dollars ($2,000,000). These credits shall be applied only on a going-forward basis for Sales Tax Revenues actually received by the City and are non-refundable.

5.3 Owner Required Public Improvements. Owner shall construct and install or fund the installation of the public improvements and infrastructure required in connection with the Project and listed on Exhibit "F" ("Public Improvements") and/or required as conditions of approval to the Existing Development Approvals in conformance with standards set forth in the Development Plan. Subject to Section 3.5, Owner will make these Public Improvements in phases concurrent with the development of each building of each phase of the Project and in accordance with the Phasing Plan and the conditions of approval to the Existing Development Approvals. If development of the Project proceeds according to the Phasing Plan and the Development Plan, the Owner and City acknowledge and agree that no additional Public Improvements shall be required beyond what is found in in Exhibit "E-1," Exhibit "F," and the conditions of approval for the Existing Development. Owner shall have the right to construct any public facilities on behalf of the City and to obtain fee credits or reimbursements from the City as further described below to the extent that such Public Improvements are included in the City's DIF Program.

5.4 Sun Lakes Boulevard Extension. It is the mutual intent of the Parties to provide for the completion of the SLB Extension as set forth in this Section 5.4 and with mutual acknowledgement of the facts set forth in this paragraph. Owner shall dedicate, or has dedicated, portions of the Property to the City to accommodate the construction and operation of the SLB Extension ("Public Maintenance and Access Easements"). Upon request of Owner, City shall promptly vacate via quitclaim deed portions of the Public Maintenance and Access Easement based upon the following conditions precedent: (i) access to the creek culvert crossings is maintained (this Access may be reconfigured to accommodate development and operation of the Project, as reasonably determined by the City Engineer); (ii) Owner has designated a private maintenance entity to either maintain cut slope and filled embankments, or has proposed and completed grading to eliminate cut slopes and filled embankments to accommodate the Project; (iii) Owner has maintained continued access to City-owned utility facilities. Access may be reconfigured to accommodate development and operation of the Project needs, as reasonably determined by the City Engineer.

5.5 Coordination Regarding Construction of Sun Lakes Boulevard Extension. In order to insure that construction or operation of the SLB Extension does not interfere with development or operation of the Project, Construction of the SLB Extension is under the control of the City and could be constructed by the City or by third parties designated by the City separate and apart from Owner's Project, and Owner has a separate interest in completion of the SLB Extension to ensure access to Owner's Project. City has entered into an Agreement for the Funding of Measure A Regional Arterial Improvements ("MARA Agreement") with RCTC, pursuant to which the City is receiving a reimbursement grant for the SLB Extension's design and construction costs and the City is obligated to complete the SLB Extension on or before August 31, 2027, or later if the parties to the MARA Agreement agree to one or more extensions of the date of completion ("SLB Extension Completion Date"). Additional regulatory approvals and other actions may be required to construct the SLB Extension, including approvals and actions necessary to address the Kinder Morgan pipeline that currently traverses the Property. Such approvals and actions may affect construction of the SLB Extension and cause delays beyond the control of either Party. Each Party agrees to provide the other with regular updates regarding such approvals and actions and the status of the SLB Extension.

5.5.1 Accelerated DIF Payment. Within forty five (45) days after the City has obtained all permits to commence the construction of the SLB Extension or upon the Effective Date, whichever is later, Owner shall pay City Five Million One Hundred Thousand Dollars ($5,100,000) of the Project's Transportation DIF obligation ("Accelerated Transportation DIF Payment") to assist the City to in its design and construction of the SLB Extension. Until the SLB Extension is completed, the City shall only use the Accelerated Transportation DIF Payment to pay for design and construction costs of the SLB Extension.

5.5.2 Owner's Contingency.

(a) No later than sixty (60) days before the SLB Extension Completion Date, City shall give Owner written notice whether the SLB Extension will be completed by the SLB Extension Completion Date, and if not, when the City estimates that the SLB Extension will be completed ("SLB Estimated Completion Date").

(b) If the SLB Estimated Completion Date is greater than sixty (60) days after the SLB Extension Completion Date, then Owner may, in its sole discretion, prepare a plan ("Owner's Plan") specifying how Owner would complete the SLB Extension if given control over construction. Owner shall submit Owner's Plan to the City for review and approval, with such approval not to be unreasonably withheld. The Owner's Plan must specify (i) the actions needed to finish the SLB Extension; (ii) a schedule to complete the SLB Extension, providing a completion date for the SLB Extension at least sixty (60) days before the SLB Estimated Completion Date; (iii) the cost to complete the SLB Extension and (iv) the form and amount of financial security to be posted by Owner, in favor of the City, to insure that Owner finishes the SLB Extension. City shall review and either approve or deny Owner's Plan no later than forty-five(45) days after submitted by Owner. City shall neither unreasonably withhold its approval of Owner's Plan nor deny approval of Owner's Plan based solely upon delay incurred due to replacement of any existing contractor or consultant. If the City timely denies the Owner's Plan, City shall notify Owner of this denial, and thereafter, the Parties shall enter into a thirty (30) day meet and confer process to attempt to reach agreement on all steps needed to complete the SLB Extension as quickly as possible. If City fails to either approve or deny the Owner's Plan within forty-five (45) days, Owner's Plan shall be deemed accepted by the City.

(c) City shall allow Owner to complete construction of the SLB Extension and Owner may, in its sole discretion, choose to complete the SLB Extension if: (i) completion of the SLB Extension is required by the conditions of approval in the Development Approvals and the City has not awarded a contract for construction of the SLB Extension on or before issuance of the first grading permit or six (6) months before the SLB Estimated Completion Date, whichever is sooner; (ii) the MARA Agreement is terminated before the SLB Extension is completed; (iii) City has affirmatively approved the Owner's Plan; or the Owner's Plan has been deemed accepted; or (iv) through the aforementioned meet and confer process, the Parties have agreed that Owner can complete construction of the SLB Extension.

(d) If Owner chooses to complete the SLB Extension, as provided in the preceding paragraph, Owner shall promptly provide City with written notice of its choice and responsible for all design, permitting, and construction activities necessary to complete the SLB Extension. The following provisions shall also thereafter apply:

(i) Owner shall not begin any work on the SLB Extension unless and until it enters into an agreement with the City in a form deemed acceptable to the City Attorney to indemnify, defend, and hold the City and its elected officials, officers, contractors serving as City officials, agents, and employees harmless from liability for damage and/or claims for damage for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of Owner's choice to complete the SLB

Extension itself and/or construction of the SLB Extension, and which may arise from the direct or indirect operations of Owner or those of Owner's contractors, agents, tenants, employees, or any other persons acting on Owner's behalf, which relate to the SLB Extension ("City Losses"). This indemnity shall apply to all City Losses, as described above, regardless of whether or not the City affirmatively approved Owner's Plan, except for City Losses arising from the sole negligence or willful misconduct of City. This indemnity shall also survive the expiration or earlier termination of this Agreement, but shall also terminate one (1) year after City accepts Owner's offer of dedication of the SLB Extension public improvements.

(ii) Within forty-five (45) days of receipt of Owner's written notice of its intention to complete the SLB Extension and City's approval or deemed approval of Owner's Plan, City shall refund to Owner any remaining unspent portion of the Accelerated Transportation DIF Payment. The City agrees that Owner may pursue TUMF credits and reimbursements and DIF credits and reimbursement for all sums Owner expends in designing, permitting, and constructing the SLB Extension to the extent such sums are covered under the applicable DIF or TUMF study. Owner and City shall use good faith efforts to enter into a DIF Credit and Reimbursement Agreement, in substantially the same form as specified in Exhibit "G-2". To the extent of any conflict between the terms of this Agreement and the DIF Credit and Reimbursement Agreement, this Agreement shall control. The Parties acknowledge and agree that the DIF Credit and Reimbursement Agreement shall address Owner's construction of other Public Improvements which do not include the SLB Extension which otherwise would be funded by the City DIF program. Owner and City shall use good faith efforts to enter into an Improvement and Credit/Reimbursement Agreement Transportation Uniform Mitigation Fee Program ("TUMF Agreement") with respect to the SLB Extension in a form acceptable to and approved by the WRCOG.

(iii) Upon completion of the SLB Extension by Owner if it does so in accordance with this Agreement, Owner shall submit a final written account of the actual costs Owner incurred in completing the design, permitting and construction of the SLB Extension ("Owner's Costs") to City. City shall forty-five (45) days to review and approve or disapprove Owner's Costs, which approval shall not be unreasonably withheld. Within thirty (30) days of the approval of the Owner's Costs, the Parties shall calculate the total amount of estimated TUMF credits and DIF credits Owner is entitled to receive, provided that the final TUMF calculation shall be subject to the review and approval of WRCOG. City will use best efforts to assist Owner in obtaining TUMF credits from WRCOG. The amount of the DIF credits Owner shall be entitled to seek and receive as allowed by this Agreement shall include the portion of the Accelerated Transportation DIF Payment that was not refunded to Owner as described above. "Owner's Offset" is defined herein as the actual amount of TUMF credits and DIF

credits received by Owner. If Owner's Costs exceed Owner's Offset ("Owner's Deficit"), Owner shall be entitled to seek TUMF reimbursements (subject to WRCOG approval) and/or DIF reimbursements to recover the Owner's Deficit to the extent there remains any difference between the maximum cost included in each of the TUMF and DIF nexus studies and TUMF or DIF funds already spent on the SLB Extension. The City, in its sole and absolute discretion, shall determine which source of reimbursement shall be used based on the applicable nexus studies. Each Fiscal Year, City shall make the forgoing reimbursement payments to Owner to satisfy, or partially satisfy the Owner's Deficit, with such payments to be received solely through TUMF reimbursement, DIF reimbursement provided that Owner does not recover more than Owner's Deficit. Notwithstanding anything to the contrary in this Agreement, the City shall have no obligation to reimburse Developer from its general fund or other sources except from applicable DIF or TUMF as provided above, but City, in its sole and absolute discretion, may choose to reimburse Developer from other sources aside from DIF or TUMF funds.

5.6 Sunset Avenue Improvements. As specified in Exhibit "F", Owner or third parties shall construct and install or fund the construction of improvements to Sunset Avenue ("Sunset Avenue Improvements"). Owner's construction and installation or its funding of the Sunset Avenue Improvements, if undertaken by Owner, shall occur as specified in the Initial Phasing Plan, as defined in Section 3.5.2, which may be amended in the future as provided in Section 3.5.2. Pursuant to the DIF Credit and Reimbursement Agreement attached hereto as Exhibit G-2, Owner shall be entitled to receive a partial DIF credit if Owner constructs or funds the construction of the Sunset Avenue Improvements to the extent such improvements are included in the City's DIF program and nexus study. In the event that Owner constructs any Sunset Avenue Improvements that are not included in the City's DIF program ("Non-DIF Sunset Improvements"), City agrees to use good faith efforts at such time as it has the legal authority to do so to (i) impose a fair share payment condition of approval onto any third party developer's project which would benefit from the construction of the Non-DIF Sunset Improvements to the extent of their fair share ("Third Party Fair Share Payments"); and (ii) collect all Third Party Fair Share Payments. Regarding the Rancho San Gorgonio project Owner and City agree that this project's entitlements contain conditions of approval that obligate this developer to install portions of the Sunset Avenue Improvements. City shall use good faith efforts to enforce these entitlements' conditions of approval regarding this developer's required Sunset Avenue Improvements, and shall use good faith efforts to collect this developer's Third Party Fair Share Payments to the extent it has the legal authority to do so. City shall distribute all Third Party Fair Share Payments to Owner within thirty (30) days of City's receipt of such payments provided that Owner has provided City with current up to date payment information upon request. However, City shall have no obligation to incur any legal fees to collect Third Party Fair Share Payments except to the extent such legal fees are advanced by Owner. For the sake of clarity, City shall have no liability to Owner to pay Third Party Fair Share Payments to Owner except to the extent that it receives Third Party Fair Share Payments from a third-party developer. If third parties construct Sunset Avenue Improvements not included in the City's DIF program, Owner shall pay its fair share of such facilities to the City within thirty (30) days of receiving written notice from the City to make such payment.

5.7 Payment of "Fair Share" Share of Certain Roadway Improvements. To help facilitate the City's achievement of its goals and policies with respect to roadway improvements, Owner agrees to pay its proportional or Fair Share (as defined in Section 5.12.2) of the roadway improvements listed on Exhibit "I". The Fair Share payments shall become due at the times specified on Exhibit "I"; or if there is no time specified in Exhibit "I", at such time as reasonably required by the City; or as otherwise established in conditions of approval for Subsequent Development Approvals, if any.

5.8 Land Reservation, Conveyance, and Dedication.

5.8.1 Owner shall reserve a portion of the Property suitable for construction of a fire station by the City or County ("Fire Station Property"). The Parties have already tentatively approved the location of the Fire Station Property on portions of parcels 4 and 34 of Tentative Parcel Map No. 38118. The Parties agree to work cooperatively and in good faith to identify a suitable final location of the Fire Station Property no later than one (1) year after the Effective Date. The Parties agree that the Fire Station Property must be at least two and one half (2 ½) acres and not greater than three (3) acres in size. Owner shall reserve and dedicate the Fire Station Property to the City at no cost to the City no later than three (3) years from the Effective Date. After the City acquires the Fire Station Property, City or County shall not use the Fire Station Property for any use other than a fire station, a reverse osmosis facility, or both. Regardless of whether the City elects to develop a fire station, Owner has agreed to make the Fire Station Payment in accordance with Section 5.10.4. Under no circumstances shall Owner be obligated to pay any sums for the construction of the fire station over and above the Fire Station Payment.

5.8.2 Owner shall reserve a portion of the Property suitable for construction of a water tank ("Water Tank Property"). The Parties have already tentatively approved the location of the Water Tank Property on portions of parcels 4 and 34 of Tentative Parcel Map No. 38118. The Parties agree to work cooperatively and in good faith to identify the final location of the Water Tank Property no later than one (1) year after the Effective Date. The Parties agree that the Water Tank Property must be no greater than two (2) acres in size. Owner shall reserve and dedicate the Water Tank Property to the City at no cost to the City, no later than three (3) years from the Effective Date. After acquiring the Water Tank Property, City or its successors shall not use the Water Tank Property for any use other than a water tank. Under no circumstances shall Owner be obligated to pay for the construction of the water tank and related uses.

5.8.3 Owner shall reserve a portion of the Property for a Banning Electric Utility Substation ("Electrical Property"). The Parties have tentatively approved the location of the Electrical Property, on Tentative Parcel Map No. 38118. The Parties agree to work cooperatively and in good faith to identify a suitable final location of the Electrical Property no later than one (1) year after the Effective Date. Owner shall reserve and dedicate the Electrical Property to the City at no cost to the City no later than three (3) years from the Effective Date. After acquiring the Electrical Property, City or Banning Electric Utility shall not use the Electrical Property for any use other than a utility substation and related uses

5.8.4 Owner shall reserve a portion of the Property suitable for construction of a reverse osmosis facility ("RO Property"). The Parties have already tentatively approved the location of the RO Property on portions of parcels 10, 31 and 33 of Tentative Parcel Map No.

38118. The Parties agree to work cooperatively and in good faith to identify a suitable final location for the RO Property no later than one (1) year after the Effective Date. The Parties agree that the RO Property must be no greater than two (2) acres in size. Owner shall reserve and dedicate the RO Property to the City at no cost to the City, no later than three (3) years from the Effective Date. After acquiring the RO Property, City or its successors shall not use the RO Property for any use other than for an RO facility and related uses. Under no circumstances shall Owner be obligated to pay for the construction of the reverse osmosis facility.

5.9 Electrical Substation.

5.9.1 Owner shall contribute Five Hundred Thousand Dollars ($500,000) for the design and environmental review of an electrical Substation, ("Banning Electric Initial Contribution"). Upon receipt of the Banning Electric Initial Contribution, City shall promptly commence the design and environmental review of the Substation, as defined below. The City and Owner acknowledge and agree that construction of the Substation cannot proceed, if at all, unless and until City undertakes and completes environmental review under CEQA, and the City obtains all necessary permits and clearances to construct the Substation. The City's obtaining all necessary environmental clearances, permits and other clearances are, collectively ("Substation Clearances"). The entering into of this Agreement by the Parties does not commit the City to construct the Substation, but rather this Agreement establishes the framework and the procedure for the City to construct the Substation, if the City ultimately determines, in its sole discretion, to commence the design, permitting process and construction of the Substation. The Substation shall be designed and constructed to provide at least 40 Mega Volt Amperes ("Substation"). The Parties acknowledge and agree that the estimated cost to design, permit and construct the Substation ("Substation Costs") is Twelve Million Five Hundred Thousand Dollars ($12,500,000). City shall design and construct the Substation and obtain all necessary governmental and private party approvals. The design, components, and schedule to construct and complete the Substation shall be based upon an Engineer's Estimate, discussed below. The City shall complete the Engineer's Estimate within ninety (90) days after City completes the design of the Substation. Owner shall pay the Banning Electric Initial Contribution ninety (90) days after the Effective Date. Upon request of Owner, City shall provide Owner with documentation demonstrating that the Banning Electric Initial Contribution has only been used for design and environmental review of the Substation. Any portion of the Banning Electric Initial Contribution not used for design and environmental review retained by City shall result in a reduction in the amount of the Banning Electric Final Contribution, defined below.

5.9.2 Upon the City's obtaining the Substation Clearances, Owner shall further contribute to the completion of the Substation, by making the Banning Electric Final Contribution in the amount of Nine Million Five Hundred Thousand Dollars ($9,500,000) as specified in Section 5.9.3(a). The City shall make an in-kind contribution valued at approximately Two Million, Five Hundred Thousand Dollars ($2,500,000) consisting of City staff time, labor, materials and equipment, which may include, but not limited to: two (2), twenty (20) MVA transformers. The Engineer's Estimate shall: (i) be based upon substantial objective evidence (ii) accurately specify the Substation Costs, which shall not exceed Twelve Million Five Hundred Thousand Dollars ($12,500,000) unless City provides Owner the information required by Section 5.9.3; and (iii) establish a schedule concerning the construction and completion of the Substation. The City shall share the Engineer's Estimate with Owner, for Owner's reasonable approval, which shall not be

unreasonably withheld or conditioned. Owner shall have sixty (60) days from receipt of the Engineer's Estimate to review it, after which time Owner shall be deemed to have approved the Engineer's Estimate unless Owner has presented written objections to the City.

5.9.3 Owner's obligation to fund the Substation Costs shall not exceed the amount of the Banning Electric Initial Contribution and an additional Nine Million Five Hundred Thousand Dollars ($9,500,000) ("Banning Electric Final Contribution") plus the Banning Electric Initial Contribution of Five Hundred Thousand Dollars ($500,000.00) for a grant total of Ten Million Dollars ($10,000,000.00) ("Total Electric Contribution"). Within thirty (30) days after City has obtained the Substation Clearances ("Substation Funding Date"), Owner shall deposit One Million Five Hundred Thousand Dollars ($1,500,000) into an escrow account or funds control, with the escrow holder to be mutually selected by the Parties. In addition, on or before the Substation Funding Date, Owner shall deposit in the escrow account, Eight Million Dollars ($8,000,000), or provide security in the form of a bond or letter of credit in favor of the City, in the amount of Eight Million Dollars ($8,000,000), or a combination of bonds, letters of credit and cash. Owner, in its sole and absolute discretion, shall determine the form of such security to be provided. Regardless of the amount of the Engineer's Estimate, in no event shall Owner be required to contribute any funding in excess of the Banning Electric Initial Contribution and the Banning Electric Final Contribution. If the Engineer's Estimate exceeds Twelve Million Five Hundred Thousand Dollars ($12,500,000), the City shall provide written documentation ("Substation Excess Cost Documentation") to Owner demonstrating how the City intends to pay all costs in excess of Twelve Million Five Hundred Thousand Dollars ($12,500,000) ("City Substation Payment"). Prior to Owner's payment of the Banning Electric Final Contribution, City shall provide the Substation Cost Documentation to Owner, for Owner's approval, which approval shall not be unreasonably withheld or conditioned. Owner shall either approve or deny the Substation Cost Documentation sixty (60) days after it is received. If Owner denies the Substation Cost Documentation it shall specify in writing to City the specific reasons for so denying the Substation Cost Documentation and shall negotiate reasonably and in good faith a resolution of the issue with City within ten (10) days thereafter. If Owner fails to provide written approval or denial of the Substation Cost Documentation within this sixty (60) day period, then Owner shall be deemed to have approved the Substation Excess Cost Documentation.

(a) After Owner's provision of the Banning Electric Final Contribution, the City shall promptly take all necessary steps in order for construction of the Substation to commence. Prior to commencing construction, City shall provide documentation to Owner, demonstrating that the construction contract for the Substation Costs is consistent with the amount specified in the Engineer's Estimate or the lowest responsive and responsible bid received in accordance with applicable public bidding laws ("Low Bid"), and the schedule established by the Engineer's Estimate. Upon receipt of this documentation from City, Owner shall deposit into an escrow account, as provided below, all necessary documents to convey the Electrical Property to the City ("Conveyance Documents"). City shall notify Owner, in writing, when the construction contract for the Substation has been awarded. Upon receipt of this written notice from City, Owner shall immediately authorize the escrow holder to release the Conveyance Documents, and will ensure that the Conveyance Documents are recorded in the official records of the County Recorder. Upon commencement of construction, the following process shall be

followed to fund the construction of the Substation, which shall continue until construction of the Substation is completed: (i) Upon City's receipt of invoices from the contractor retained to construct the Substation, City shall present such invoices to Owner; (ii) If such invoices comport with information in the Engineer's Estimate or the Low Bid, within thirty (30) days of receipt of such invoices, Owner shall authorize payment of the invoices from the cash deposited in the escrow or funds control, and after such authorization is issued, City shall use the proceeds to pay such invoices or reimburse itself if it previously paid the invoice from its own funds; (iii) Within thirty (30) days after the cash is withdrawn from the escrow, Owner shall deposit into the escrow the same amount of cash which was withdrawn from the escrow, and shall continue to do so, upon the City's submission of invoices to Owner, until Owner has deposited into escrow the entire amount of the Banning Electric Final Contribution; and (iv) Within thirty (30) days after the cash is withdrawn from the escrow, City shall authorize a reduction in the amount of security posted by Owner, in the same amount as the amount of cash withdrawn from the escrow. Owner shall have the ability to enter the Electrical Property while construction of the Substation is ongoing, to determine the progress and timing of the construction. If the cost of the Low Bid exceeds the amount of the Engineer's Estimate, or of the cost of construction exceeds the Banning Electric Final Contribution for any reason, including due to change orders, the obligation of Owner to pay the Banning Electric Final Contribution shall not terminate or abate, but the City shall be obligated to fund any such additional amount to complete the Substation.

(b) It is agreed by City and Owner that Owner's projected electrical demand, if the Project were to receive its electricity from the Substation, would be expected to account for fifty-four percent (54%) of the Substation's capacity ("Substation Fair Share Percentage"). Upon completion of the Substation, Owner will be entitled to reimbursement from the City for the difference between the sum of its Banning Electric Initial Contribution and its Banning Electric Final Contribution, on the one hand, and the Substation Fair Share Percentage of the Substation Costs, on the other hand ("Substation Reimbursement"). Owner shall begin to receive the Substation Reimbursement in the first Fiscal Year after the City issues a Notice of Completion of the Substation. The Substation Reimbursement shall be paid to the Owner (i) solely through cash payments from the City in equal annual installments over a term of ten (10) years, or more quickly, in the sole and absolute discretion of the City; or (ii) third party developers to the extent actually paid, or a combination thereof, with the City, in its sole discretion, to determine which payment sources are to be used to pay the Substation Reimbursement. The City shall use good faith efforts to expedite the payment of the Substation Reimbursement as quickly as reasonably possible. City shall reserve electrical power capacity equal to the Substation Fair Share Percentage to service the Project so long as the Owner has paid the full amount of the Banning Electric Final Contribution and development of the Project remains in substantial compliance with the Project Initial Phasing Plan set forth in Exhibit "E-1". Except as otherwise provided in this Section 5.9.3, the City shall have no obligation to pay or reimburse Owner for any portion of the cost of the Substation Costs.

5.10 Additional Public Benefits. Owner shall provide the following additional Public Benefits:

5.10.1 Owner shall maintain all private roads and sidewalks and landscape areas within and fronting the public right-of-way on the Property in accordance with the requirements of the Specific Plan and any conditions of approval.

5.10.2 Open Space Dedication. At no cost to City and without reimbursement or credit to any DIF, Owner will set aside and grant to City an irrevocable offer to dedicate to the City, approximately 52.8 acres as Open Space Resource land. Notwithstanding the foregoing, Owner may be able to receive reimbursement or MSHCP impact fee credits from the Regional Conservation Agency ("RCA") if RCA determines that Owner is entitled to MSHCP impact fee credits or reimbursement. Subject to approval from RCA, City shall have sole and absolute discretion whether to accept such dedication. The Parties acknowledge and agree that the acreage of the dedicated Open Space Resource land may be reduced, based upon required mitigation which may be imposed on development of the Project by other public agencies, such as the U. S. Fish & Wildlife Service, U. S. Army Corps of Engineers, California Department of Fish & Wildlife or the Western Riverside Regional Conservation Authority (collectively, "Resource Agencies"). In addition, the Parties acknowledge and agree that the Resource Agencies may limit use of the Open Space Resource land, and the Parties agree that they will both abide by any and all applicable restrictions which may be imposed by the Resource Agencies. However, if habitat restoration, habitat mitigation and monitoring plan, endowment agreement or other similar obligations are required by the Resource Agencies solely in connection with development of the Project, the same shall be the sole obligation of the Owner.

5.10.3 Park Dedication. Owner shall reserve and dedicate to City, at no cost to City and without reimbursement or credit to any DIF, approximately 12 acres for the Park. Owner shall be responsible for the design and the cost of constructing the Specific Plan Park Facilities. Owner shall be responsible, at its sole cost, to maintain the Park, and City shall use best efforts to assist Owner in its efforts to obtain grants or tax benefits in connection with Owner's reservation of the Park. Owner shall be responsible for maintaining the Park upon completion. City agrees that Owner shall receive parks and recreation development impact fee credits, if the Specific Plan Park Facilities meet the applicable criteria of the parks and recreation development impact fee program, on a dollar-for-dollar basis for all Owner's costs incurred for designing and constructing the Specific Plan Park Facilities. Prior to receiving such development impact fee credits, the City shall require that Owner provide proof in the form of paid invoices or receipts for the incurred costs to ensure all such costs were actually incurred. If the City chooses to expand the Specific Plan Park Facilities after the effective date to include facilities not previously included in the Specific Plan ("Additional Park Facilities"), City shall provide written notification to Owner no later than City's approval of Owner's Specific Plan Park Facilities plans, and the Parties shall meet and confer and use good faith efforts to enter into a Park improvement plan, addressing the Additional Park Facilities that will address an appropriate apportionment of the costs to design and construct the Additional Park Facilities.

5.10.4 Fire Station Payment. Owner shall contribute Sixteen Million Dollars ($16,000,000) ("Fire Station Payment") to the City to be used for construction of the fire station. Owner shall pay the City Two Million Five Hundred Thousand Dollars ($2,500,000) of the Fire

Station Payment within six (6) months of the Effective Date. Owner shall pay the City the remainder of the Fire Station Payment within sixty (60) days after City obtains all necessary approvals to commence construction of the fire station. Owner acknowledges that neither the City nor the Riverside County Fire Department has considered or identified a need for a fire station at the Property, there is no current plan for development of a fire station and, if desired, the planning, design, and construction of any fire station would occur at an undetermined future date by the City. Construction of a fire station cannot proceed, if at all, unless and until City undertakes and completes environmental review under CEQA, and the City obtains all necessary permits and clearances to construct the fire station. If the City determines in its sole and absolute discretion to not construct the fire station, then the City may use the proceeds of the Fire Station Payment for any City purpose. In such a situation, City shall provide written notification to Owner of its determination not to build the fire station within one (1) year of the Effective Date. If such notification is received, Owner shall make the Fire Station Payment based upon the following schedule: (i) One Million Dollars ($1,000,000) prior to issuance of occupancy permits for Five Hundred Thousand (500,000) square feet of warehouse building(s); (ii) Three Million Dollars ($3,000,000) prior to issuance of occupancy permits for One Million (1,000,000) square feet of warehouse building(s); (iii) Three Million Dollars ($3,000,000) prior to issuance of occupancy permits for Two Million (2,000,000) square feet of warehouse building(s); (iii) Three Million Dollars ($3,000,000) prior to issuance of occupancy permits for Three Million (3,000,000) square feet of warehouse building(s) and (iv) Three Million Five Hundred Thousand Dollars ($3,500,000) prior to issuance of occupancy permits for Three Million Five Hundred Thousand (3,500,000) square feet of warehouse building(s). Notwithstanding the foregoing the entire amount of the Fire Station Payment by Owner to City shall be made no later than five (5) years from the Effective Date. The amount of the Fire Station Payment shall be subject to an "Annual Escalation Factor" on each anniversary of the Effective Date during the term of this Agreement equal to the annual percentage change in the Consumer Price Index published by the U.S. Bureau of Labor Statistics for "All Urban Consumers" in the Riverside-San Bernardino-Ontario Area, measured as of the month of April in the previous Fiscal Year, but not less than one percent (1%) and not greater than five percent (5%).

5.10.5 Fire Equipment Payment. Owner shall contribute One Million Dollars ($1,000,000) ("Fire Equipment Payment") to the City for the City to use to acquire fire equipment for the fire station. Owner shall make this payment within one hundred eighty (180) days from when the City obtains all necessary approvals to construct the fire station. As specified in Section 5.10.4, if City determines to not use the proceeds of the Fire Station Payment to construct the fire station, then the City may use the proceeds of the Fire Equipment Payment for any City purpose. In such a situation, Owner shall make the Fire Equipment Payment to the City prior to issuance of occupancy permits for Four Million (4,000,000) square feet of warehouse building(s). Notwithstanding the forgoing the entire amount of the Fire Equipment Payment shall be made by Owner to City no later than five (5) years from the Effective Date.

5.10.6 City Grant. Owner shall provide City with a grant of Seven Hundred Fifty Thousand Dollars ($750,000) ("City Grant"), with the proceeds solely to be used by the City to aid in City downtown beautification or small business assistance for small businesses located in the City. The City Grant is to be disbursed in three (3) equal payments of Two Hundred Fifty Thousand Dollars ($250,000): (i) within sixty (60) days of the Effective Date; (ii) within twelve (12) months of the Effective Date; and (iii) within twenty-four (24) months of the Effective Date.

5.10.7 Employment Outreach. Owner shall include in all leases for the Project the requirement that each tenant provide the City with written notice that each tenant is intending to hire employees for its business, with such notice issued at least two (2) weeks before each tenant intends to commence its operations. City shall provide notice to City residents of these commencements of operations.

5.10.8 Animal Shelter Grant. Owner shall provide City with a grant of Five Hundred Thousand Dollars ($500,000), with the proceeds solely to be used to build or operate an animal shelter. This payment shall be made to City prior to issuance of first grading permit of an industrial building.

5.11 Development Fees. Development Fees currently imposed are identified in City Resolution 2019-112 adopted by the City Council on September 10, 2019. Development Fees or "DIF" also includes TUMF and MSHCP. A schedule showing the Development Fees in place as of the Effective Date as Exhibit "H" only for the specific uses therein identified. The City shall not impose any future mitigation measure, exaction or Development Fee on the Property, the Project or the Development Plan (unless modifications to the Project necessitate such future mitigation measures, exactions or Development Fees, which are reasonably related and roughly proportional to the impacts associated with modifications to the Project) or any portion thereof, except those existing Development Fees in existence on the Effective Date of this Agreement as they may be amended and increased from time to time and for different improvements and/or uses as Owner may later develop and for new categories as provided in this paragraph. Further, except as otherwise provided herein the City shall not impose any new categories of Development Fees to the Project ("DIF Vesting"). Notwithstanding the foregoing, the DIF Vesting shall terminate on the seventh (7^{th}) anniversary of the Effective Date ("DIF Vesting End Date"). After the DIF Vesting End Date, the City may apply subsequently adopted new categories of DIF to the Project, the Property and the Development Plan if the same are applied uniformly to development either throughout the City or within a defined area of benefit that includes the Property if the subsequently adopted DIF is not applied on an ad hoc basis solely to the Project and the subsequently adopted fee does not physically prevent development of the Property for the uses and to the density and intensity of development set forth in this Agreement. Notwithstanding the forgoing, it is understood and agreed that when the Developer applies for permits or entitlements under the Development Plan the more detailed plans submitted in connection with the same may disclose the need for easements, dedications or rights of way for Public Improvements serving the Project not previously foreseeable and the Developer shall cooperate in good faith with City to grant such rights to City at no cost to City.

5.12 Fair Share Payments; Oversized Improvements; Fee Credits.

5.12.1 Construction of Oversized Public Improvements. The Parties acknowledge that certain of the Public Improvements, to be constructed by Owner may, to a greater or lesser extent, constitute Oversized Improvements and that owners of other properties may benefit from such Oversized Improvements. In addition, the City agrees that, in recognition of the regional nature of certain street and, possibly, other improvements made to the Property by Owner, City shall use good faith efforts so that owners of all property that will reasonably benefit from the Improvements including Oversized Improvements and certain components of the Sunset Avenue Improvements as determined in accordance herewith ("Benefitted Properties") or otherwise

benefitted by the regional Improvements who apply for entitlements will pay their Fair Share for such Public Improvements, either directly or through subdivision agreements or other agreements, between such owners and the City, or between owners of Benefitted Properties.. The DIF Credit and Reimbursement Agreement shall include the obligations specified in this Section and elsewhere in this Agreement.

5.12.2 Fair Share Determination. "Fair Share" shall mean the amount if any, of Owner's contribution to the cost of any Public Improvements and unless otherwise provided on Exhibit "I" or elsewhere in this Agreement with respect to a particular improvement, shall be calculated for the Project based on the Project's proportion of the benefit conferred on all Benefitted Properties, as established by a regional benefit study prepared by independent professional consultants experienced in the preparation of "zone of benefit" studies. The consultants shall be selected by City, and their conclusions shall be subject to review and approval by City. City shall afford Owner, and any other involved developer(s), the opportunity to review and comment on the tentative conclusions, and such comments shall be taken into consideration by City in its review. The costs of any such study shall be deemed to be a part of the cost of the Oversized Facility to which it pertains. The fees and costs of the consultants shall be solely paid, initially, by the developers seeking entitlements and then involved. The Parties recognize, however, that it will not always be possible to implement or achieve such goals, given the size, timing of development and nature of the other Benefitted Properties, and nothing herein shall be deemed to require City to fund or reimburse any portion of the excess costs other than from funds actually collected from third party developers expressly for such purpose. For the sake of clarity, the City shall not be responsible to pay for the cost of any such improvements or any portions thereof out of any fund not specifically set aside for such purpose including but not limited to its general fund or special fund revenues.

5.12.3 Fee Credits. To the extent an improvement is included in City's current Nexus Study that is a component of City's DIF program, the City shall recognize and apply in lieu credit against the fees associated with the specific Nexus Study, equal to the actual documented cost of improvements and/or dedications made in the development of the Project by Owner, even if improvement was funded by a CFD or other alternative financing mechanism, and for which the fees would otherwise be imposed in accordance with City ordinances and resolutions; provided, however, that such in lieu credit shall not exceed the amount established by the City's DIF program for construction of such improvements and/or dedications. These in lieu fee credits shall be further defined within the DIF Credit and Reimbursement Agreement. For the sake of clarity, it is understood and agreed by Owner that credits to TUMF and MSHCP development impact fees shall be subject to the rules of the Western Riverside Regional Council of Governments ("WRCOG") and Western Riverside Regional Conservation Agency rules concerning fee credits as administered by those agencies. This paragraph shall apply to all DIF credits sought by Owner under this Agreement.

5.13 Limits on Public Funds. Notwithstanding anything else to the contrary herein, the parties acknowledge and agree that in no event shall the cumulative total of public funds, if any, as defined in California Labor Code Section 1720(b), received by Owner with respect to the Project exceed the amount of the conditioned public improvements imposed on the Project as part of the Development Approvals.

6. FINANCING OF PUBLIC IMPROVEMENTS.

6.1 Intent. The intent of this Section 6 is to establish the contractual framework for mutual cooperation between the City and Owner necessary to finance and implement the Project. Accordingly, the City shall take all actions reasonably necessary, and Owner shall take all actions reasonably necessary and shall reasonably cooperate, as appropriate, in furtherance of the development and operation of the Project.

6.2 Formation of Community Facilities Districts.

6.2.1 Owner agrees to submit a petition(s) to the City and or California Statewide Communities Development Authority ("CSCDA") under the Mello Roos Act for formation of one or two CFDs over some or all of the Owner's Property. Owner has the sole and absolute discretion to determine if it will proceed with one CFD or two CFDs to finance eligible facilities and TUMF and DIF payments defined herein as Authorized Facilities and Fees, and Authorized Services (as defined below). If the City is the sponsor of the CFD, the City shall initiate formation of the CFD(s) promptly following submission by Owner of any such petition and compliance with section 53318(d) of the Mello-Roos Act. City agrees to cooperate in the formation of the CFD should the Owner elect CSCDA to be the sponsor of the CFD(s). Owner agrees to vote in favor of the formation of the CFD(s) for which it has petitioned. The CFD shall also be authorized to finance City services provided to only the parcels within the boundaries of the CFD, provided such services are authorized under the Mello Roos Act and to the extent that the services do not supplant services already available within the territory of the CFD at the time the CFD is created ("Authorized Services").

6.2.2 The Rate and Method of Apportionment of Special Taxes for the CFD ("RMA") shall provide, in part:

(a) Special taxes shall be levied to finance Authorized Facilities and Fees, should the Owner, in its sole and absolute discretion, decide to form the CFD to finance any such Authorized Facilities and Fees, which decision shall remain subject to the approval of the City;

(b) Special taxes for Authorized Services ("Service Special Tax") shall only be levied against parcels used for industrial/warehouse/logistic purposes (collectively, "Industrial Property") and the levy of the Service Special Tax shall commence upon the issuance of a certificate of occupancy prior to May 1 for an Industrial Property;

(c) The maximum Service Special Tax rate in the first year that there is a levy of the Service Special Tax for an Industrial Property parcel shall be at a rate of $0.20 per building square foot, not including space devoted to stairwells, public restrooms, vehicle parking and areas incident thereto, and mechanical equipment incidental to the operation of any such building, which amount shall be subject to an "Annual Escalation Factor" equal to the annual percentage change in the Consumer Price Index published by the U.S. Bureau of Labor Statistics for "All Urban Consumers" in the Riverside-San Bernardino-Ontario Area, measured as of

the month of April in the previous Fiscal Year, but not less than one percent (1%) and not greater than five percent (5%);

(d) The CFD for Authorized Services shall be formed prior to the City's issuance of a final certificate of occupancy for the first Industrial Property; and

(e) A budgeting process that includes that each Fiscal Year the Service Special Taxes for each parcel shall be reduced by 100% of the aggregated amount of Sales Tax Revenues generated by the Industrial Property within the boundaries of the CFD and collected by the City in the preceding Fiscal Year on a pro rata basis based on taxable building square footage for each parcel.

6.2.3 Owner and the City shall cooperate reasonably in developing the RMA(s). Promptly following Owner's request to have CFD Bonds issued, Owner and the City shall meet with the City's public financing consultants to determine reasonable and appropriate issuance dates, amounts, and main financing terms. Contemporaneously with the formation of the CFD, Owner and the City shall enter into a CFD Acquisition and Reimbursement Agreement that shall apply to the acquisition and construction and/or reimbursement of Authorized Facilities and Fees.

6.2.4 In the event Owner conveys any portion of the Property to City or any Outside Agencies and said Property (or part thereof) is subject to payment of special taxes for Authorized Facilities and Fees and CFD Bonds have been issued and are outstanding, Owner shall prepay the special taxes pursuant to the terms of the RMA with respect to the portion of the Property being conveyed prior to completion of any such conveyance.

6.2.5 Except to the extent permitted by this Section 6 or otherwise approved by Owner, the City shall not initiate the formation of any other land-secured financing district or assessment district involving the levy of special taxes or assessments for facilities or services with regards to the Property.

6.3 City Council Approval. Notwithstanding the foregoing, it is acknowledged and agreed by the Parties that nothing contained in this Section 6 shall be construed as committing or requiring the City Council to authorize and approve the formation of the CFD, or to issue and sell CFD Bonds.

6.4 City's Reimbursement to Owner. Owner shall be entitled to reimbursement from the City for: (i) an Owner's Deficit, if such a deficit occurs, as provided in Section 5.5.2(d)(iii), and (ii) the Substation Reimbursement, as provided in Section 5.9.3(b) (collectively, "Maximum Reimbursement Payment").

7. REVIEW FOR COMPLIANCE.

7.1 Annual Review. The Community Development Director, in consultation with the City Manager and City Attorney, shall review this Agreement annually, on or before the September 15th of each year commencing on the September 15th at least six months after the Effective Date, in order to ascertain the good faith compliance by Owner with the terms of the Agreement. This review shall be limited in scope to compliance with the terms of this Agreement pursuant to Government Code Section 65865.1 and the Banning Municipal Code, in effect on the Effective

Date. On or before July 1st of each year, Owner shall submit an annual monitoring report, in a form specified by the Community Development Director, providing all information necessary to evaluate such good faith compliance as determined by the Community Development Director.

7.2 Procedure.

7.2.1 During either an annual review or a special review at a public hearing, Owner shall be required to demonstrate good faith compliance with the terms of the Agreement.

7.2.2 Upon completion of an annual review or a special review, the Community Development Director shall submit a report to the Planning Commission and City Council setting forth the evidence concerning good faith compliance by Owner with the terms of this Agreement and his recommended finding on that issue. The Planning Commission shall hold a public hearing regarding Owner's good faith compliance with this Agreement.

7.2.3 Within thirty (30) days following the date of the Planning Commission's public hearing the Planning Commission shall forward its recommendation to the City Council. After receiving the Planning Commission's recommendation, the City Council shall hold a public hearing regarding Owner's good faith compliance with this Agreement. If the City Council finds on the basis of quantifiable, objective substantial evidence that Owner has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

7.2.4 If the City Council makes a preliminary finding that Owner has not complied in good faith with the terms and conditions of this Agreement, the City Council may modify or terminate this Agreement as provided in Section 7.3 and Section 7.4. Notice of default as provided under Section 8.4 of this Agreement shall be given to Owner prior to proceeding under Section 7.3 and Section 7.4.

7.3 Proceedings Upon Modification or Termination. If, upon a preliminary finding under Section 7.2, City determines to proceed with modification or termination of this Agreement, City shall give written notice to Owner of its intention so to do. The notice shall be given at least ten calendar days prior to the scheduled hearing and shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not City proposes to terminate or to modify the Agreement; and,

(c) Such other information as is reasonably necessary to inform Owner of the nature of the proceeding and the specific issues asserted by the City as not demonstrating good faith compliance.

7.4 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, Owner shall be given an opportunity to be heard and shall be entitled to present written and oral evidence with respect to its good faith compliance with the terms and conditions of this Agreement and any other matters related to this Agreement and the development of the Property. If the City Council finds, based upon substantial evidence, that Owner has not complied in good faith with the terms or conditions of the Agreement, the Council

may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

7.5 Certificate of Agreement Compliance. If, at the conclusion of an annual or special review, Owner is found to be in compliance with this Agreement, City shall, upon request by Owner, promptly issue a Certificate of Agreement Compliance ("Certificate") to Owner stating that after the most recent annual or special review and based upon the information known or made known to the Community Development Director and City Council that (1) this Agreement remains in effect and (2) Owner is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after an annual or a special review and shall state the anticipated date of commencement of the next annual review. Owner may record the Certificate with the County Recorder. If the City shall fail to conduct any annual review, Owner shall be deemed to be in compliance with the requirements of this Agreement.

Whether or not the Certificate is relied upon by transferees or Owner, City shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Community Development Director or City Council.

8. DEFAULT AND REMEDIES.

8.1 Remedies in General.

8.1.1 It is acknowledged by the Parties that City would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

8.1.2 In general, each of the Parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that City shall not be liable in damages to Owner, or to any successor in interest of Owner, or to any other person, and Owner covenants not to sue for damages or claim any damages:

(a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

(b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or

(c) Arising out of or connected with any dispute, controversy, or issue regarding the application, validity, interpretation or effect of the provisions of this Agreement; or

(d) For any injury to or interference with the rights of Owner, allegedly or actually arising out of, or incurred in connection with, the parties entering this Agreement, or their exercise of any rights under this Agreement.

8.1.3 Notwithstanding the foregoing, Owner is entitled to pursue any claims for damages against City arising out of any breach of City concerning the Reimbursement Agreement or the DIF Credit Agreement. Likewise and notwithstanding anything to the contrary in this Agreement, the City and Owner shall have the right to pursue claims for damages against the other for the non-payment of any monetary amount expressly provided for in this Agreement. Notwithstanding the foregoing, Owner's liability to the City and City's liability to Owner in connection with this Agreement shall be limited to direct damages and shall exclude any other liability, including without limitation liability for special, indirect, punitive, or consequential damages in contract, tort, warranty, strict liability or otherwise. If either City or Owner fail to make a payment due under this Agreement on the date specified in this Agreement, interest shall accrue on such amount at the rate of ten percent (10%) per annum until such amount is paid in accordance with this Agreement. Claims by Owner concerning the TUMF Improvement and Credit Agreement must be brought against WRCOG and not City. Claims by Owner concerning MSHCP implementation must be brought against RCA and not City.

8.2 Specific Performance.

8.2.1 The Parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to the Parties for the following reasons:

(a) Money damages are unavailable against City except as provided in Section 8.1 above.

(b) Due to the size, nature, and scope of the Project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, Owner may be foreclosed from other choices it may have had to utilize the Property or portions thereof. Owner has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate Owner for such efforts.

8.2.2 Accordingly, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement. It is agreed that specific performance is not available to City against Owner, although City can seek the remedy of injunctive relief against Owner.

8.3 General Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided in this Agreement, Owner, for itself, its successors and assignees, hereby releases the City, its officers, agents, employees, and independent contractors from any and all claims, demands, actions, or suits of any kind or nature whatsoever

arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, on any law or ordinance which seeks to impose any other monetary liability or damages, upon the City because it entered into this Agreement or because of the terms of this Agreement. Owner hereby waives the provisions of Section 1542 of the Civil Code which provides: "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor." Notwithstanding the foregoing, this general release is inapplicable to claims that City has breached the TUMF Improvement and Credit Agreement, Reimbursement Agreement or the DIF Credit Agreement.

8.4 Termination or Modification of Agreement for Default of Owner. Subject to the provisions contained in Section 7.4 herein, City may terminate or modify this Agreement for any failure of Owner to perform any material duty or obligation of Owner under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "Default"); provided, however, City may terminate or modify this Agreement pursuant to this Section only after providing written notice to Owner of default setting forth the nature of the default and the actions, if any, required by Owner to cure such default and, where the default can be cured, Owner has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default. In addition to the remedies specified in this Section, if Owner fails to make any of the payments specified in Sections 5.2, 5.5.1, 5.9, 5.9.1, 5.9.3, 5.10.4, 5.10.5 or 5.10.6 after the City's completion of the process specified in this section, it may in its sole discretion withhold issuance of permits sought by Owner until such payments are made by Owner and pursue any other remedies under this Agreement.

8.5 Termination of Agreement for Default of City. Owner may terminate this Agreement only in the event of a default by City in the performance of a material term of this Agreement and only after providing written notice to City of default setting forth the nature of the default and the actions, if any, required by City to cure such default and, where the default can be cured, City has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default. During the time when Owner alleges the existence of a City Default and without limiting any of its other available remedies, Owner shall not be obligated to proceed with or complete the Project or any phase of the Project, nor to reserve or dedicate any property pursuant to this Agreement. Upon a City Default, any resulting delays in Owner's performance shall neither be a default by Owner nor constitute grounds for termination or cancellation of this Agreement by the City.

8.6 Attorneys' Fees. Should any legal action be brought by either Party against the other for default under this Agreement or to enforce or interpret any provision hereof, the Party prevailing in such action shall be entitled to recover against the non-prevailing Party its reasonable attorneys' fees and costs incurred in such action.

9. THIRD PARTY LITIGATION.

9.1 To the maximum extent permitted by law, Owner must defend, indemnify, and hold the City and its elected officials, officers, contractors serving as City officials, agents, and employees ("Indemnitees") harmless from liability for damage and/or claims for damage for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of Owner's activities in connection with the Development and/or construction of the Project, and which may arise from the direct or indirect operations of Owner or those of Owner's contractors, agents, tenants, employees, or any other persons acting on Owner's behalf, which relate to the Development and/or construction of the Project. This indemnity provision applies to all damages and claims for damage, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for the Project, including any associated public or private improvements.

9.2 Without limiting the generality of Section 9.1, Owner shall also defend, indemnify, and hold the Indemnitees harmless from and against any and all claims, liabilities, losses, damages, costs, and expenses arising from or related to any claims that Owner or Owner's contractors are required to pay prevailing wages pursuant to Labor Code Section 1720 et seq., in connection with the Development of the Project.

9.3 Without limiting the generality of Section 9.1, in the event of any legal action challenging the validity, applicability, or interpretation of any provision of this Agreement, any of the entitlement documents pertaining to the Project including, without limitation, the City's General Plan, Zoning Code, or any other supporting document relating to the Project, Owner shall also indemnify, defend, and hold harmless the Indemnitees with respect to all liability, costs, and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action.

9.4 Without limiting the generality of Section 9.1, Owner shall defend indemnify and hold Indemnitees free and harmless from any liability, based or asserted, upon any act or omission of Owner, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions.

9.5 With respect to any legal action or claim falling within Owner's defense, indemnity, and hold harmless obligations under this Agreement:

(a) City shall promptly notify Owner of any such claim, action or proceeding, and City shall cooperate in the defense save and except claims for damages arising through the sole active negligence or sole willful misconduct of City or from breach of this Agreement by City, and if City fails to promptly notify Owner of any such claim, action or proceeding, or if City fails to cooperate in the defense, Owner shall not thereafter be responsible to defend, indemnify, or hold harmless City.

(b) City shall have the right to select counsel of its choice and Owner shall provide, and maintain for the duration of such action or claim, a cash deposit to City in an amount or amounts determined by the City Attorney to be reasonably necessary to cover the City's legal fees, costs, and expenses. The City's separate counsel billing rates shall be identical to the rates City pays for its typical municipal litigation rates for legal challenges of the variety being defended. The City shall refund to Owner any unexpended funds from the deposit within thirty (30) days of any final disposition or full and complete settlement of the action or claim.

(c) In the event of any litigation challenging the effectiveness of this Agreement, or any portion hereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless otherwise ordered by the court. Absent issuance of an injunction, Owner may elect to continue Development under this Agreement pending completion of the litigation but it shall do so at its sole risk, and the City shall not be liable for any loss suffered as a result thereof.

9.6 In the event any initiative, moratorium, referendum, statute, ordinance, limitation or other measure is enacted by or under authority of City subsequent to the Effective Date that would otherwise modify the development rights vested pursuant to this Agreement, Owner reserves the right to challenge any such enactment in a court of law should it become necessary to protect the development rights vested in the Owner pursuant to the terms and conditions of this Development Agreement, and City agrees that (subject to any judicial writ or order to the contrary) Owner shall continue to enjoy such development rights until such time, if ever, as all such challenges to the validity of such measure, or its interpretation or applicability to Owner have been finally resolved (including the expiration of all times for appeal without any appeals having been filed) adversely to Owner. Any exercise by Owner of challenged development rights shall be at Owner's sole risk and expense, and City will not be liable to Owner if it is determined that Owner was not entitled to exercise such development rights.

9.7 This Section shall survive the expiration or earlier termination of this Agreement. Notwithstanding the foregoing, Owner's indemnity obligations specified in this Section 9.7 regarding Owner's design, construction or dedication of public improvements shall terminate one (1) year after City accepts Owner's offer of dedication of public improvements.

10. MORTGAGEE PROTECTION.

10.1 The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property.

10.2 City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent

with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from City of any default by Owner in the performance of Owner's obligations under this Agreement.

(c) If City timely receives a request from a Mortgagee requesting a copy of any notice of default given to Owner under the terms of this Agreement, City shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to Owner. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such Party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. If the Community Development Director, acting in consultation with the City Manager and City Attorney, provides prior written consent, which consent shall not be unreasonable withheld, a Mortgagee in possession shall not have an obligation or duty under this Agreement to perform any of Owner's obligations or other affirmative covenants of Owner hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by Owner is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder. Any transfer by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment, modification, termination or cancellation thereof shall be recorded with the County Recorder by the Clerk of the Board of Supervisors within the period required by Section 65868.5 of the Government Code.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the Parties, and there are no oral or written representations, understandings, or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings, or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits, including the payments set forth therein, are essential elements of this Agreement and City would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Preemption or Frustration of Agreement by Changes in Law. In the event that any Party has or acquires actual knowledge that: (i) state or federal law or regulations enacted after the Effective Date preempt this Agreement or City's authority to perform hereunder, or (ii) the action or inaction of any governmental agency or quasi-public entity arising from or related to this Agreement, apart from City or any instrumentality thereof, frustrates compliance with one or more provisions of this Agreement as a matter of law, such a Party shall:

(a) Provide the other Party with written notice of such state or federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

(b) Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or amend this Agreement to comply with such applicable state or federal law or regulation in a manner that is least disruptive to the purpose and intent of this Agreement. If the Parties cannot agree on a manner or method to comply with such state or federal law or regulation, the Parties shall follow the Dispute Resolution procedures set forth in this Agreement.

11.5 RESERVED

11.6 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not be employed in interpreting this Agreement, all Parties having been represented by counsel in the negotiation and preparation hereof.

11.7 Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that clarification, interpretation and refinements to the Development Approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement and exhibits thereto. When and if the Owner finds it necessary or appropriate to make clarification, interpretation and refinements, the Parties shall effectuate such changes, adjustments or clarifications through

operating memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney shall be authorized, upon consultation with the Owner, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any Operating Memoranda hereunder without Planning Commission or City Council action and without public hearing. Although other matters may also fall within the scope of Operating Memoranda, any clarification, interpretation and refinements to this Agreement which does not relate to the Term, permitted uses of the Project, provisions for the reservation or dedication of land, grant of easement, or the conditions, terms, restrictions and requirements relating to Subsequent Development Approvals of City, revisions to Public Benefits (other than to the time for performance of such Public Benefits) or monetary exactions of Owner, shall be considered an "Operating Memoranda". Notwithstanding the foregoing, if the City Manager determines that such requested Operating Memorandum must or should be submitted for approval to the Planning Commission or City Council, the City Manager may so submit the requested Operating Memorandum for approval.

11.8 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.9 Gender and Number. As used herein, the neuter gender includes the masculine and feminine, the feminine gender includes the masculine, and the masculine gender includes the feminine. As used herein, the singular of any word includes the plural.

11.10 Rule Against Perpetuities. This Agreement shall be construed by all interested Parties, to the maximum extent possible, to be consistent with, and not in violation of, the Rule against Perpetuities.

11.11 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.12 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.

11.13 No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.14 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the Party benefited thereby of the covenants to be performed hereunder by such benefited Party.

11.15 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each Party and each successor in interest during ownership of the Property or any portion thereof.

11.16 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.

11.17 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a Party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Riverside Historic Courthouse of the Superior Court, and the Parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.18 Project as a Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of 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. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Owner is that of a government entity regulating the development of private property and the owner of such property.

11.19 Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this Agreement.

11.20 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by City of its power of eminent domain, or to mandate City's use of eminent domain.

11.21 Agent for Service of Process. In the event Owner is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, Owner shall file with the Community Development Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court

action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon Owner. If for any reason service of such process upon such agent is not feasible, then in such event Owner may be personally served with such process out of this County and such service shall constitute valid service upon Owner. Owner is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. Owner for itself, assigns and successors hereby waives the provisions of The Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.22 Designation of City Officials. Except for functions to be performed by the City Council, City may, at any time and in its sole discretion, substitute any City official to perform any function identified in this Agreement as the designated responsibility of any other official. City shall provide notice of such substitution pursuant to Section 2.7; provided, however, the failure to give such notice shall not affect the authority of the substitute official in any way.

11.23 Legally Binding Contract; Enforceability.

11.23.1 It is the intent of City and Owner that this Agreement is a legally binding contract which shall prevail over the provisions of any subsequently enacted moratoria, statutes, ordinances, limitations, or other measures, whether or not enacted by City, or under the authority of City by voter initiative or referendum, and whether or not such initiative, moratorium, referendum, statute, ordinance, limitation, or other measure relates, in whole or in part, to the rate, timing, sequence, or phasing of the development or construction of all or part of the Project or the improvements or affecting parcel or Subdivision Maps, building permits, occupancy certificates, or other entitlement to use the Property which are issued by City, subject only to the rights and powers reserved to City under the terms of this Agreement and the requirements of California law.

11.23.2 This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been approved by the City Council pursuant to a duly enacted ordinance and fully executed by and delivered to all of the Parties hereto.

11.24 Authority to Execute. The person executing this Agreement on behalf of Owner warrants and represents that he has the authority to execute this Agreement on behalf of his corporation, partnership or business entity and warrants and represents that he has the authority to bind Owner to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year set forth below.

[Signatures appear on following pages.]

CITY OF BANNING

Dated: _____

By: _____
Mayor, City of Banning

ATTEST:

Daryl A. Betancur
Deputy City Clerk

By: _____
Deputy

(SEAL)

Owner:

NP BANNING INDUSTRIAL, LLC

By: NPD Management, LLC,
a Missouri limited liability company

By: _____
Nathaniel Hagedorn, Manager

Dated: _____

(ALL SIGNATURES SHALL BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. EXECUTION ON BEHALF OF ANY CORPORATION SHALL BE BY TWO CORPORATE OFFICERS.)

CALIFORNIA ALL-PURPOSE 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 _____ }

On _____ before me, _____,
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

_____,

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 _____
Signature of Notary Public

Place Notary Seal Above

DRAFT FOR DISCUSSION PURPOSES ONLY

[ACKNOWLEDGMENT PAGE TO _____]

Development Agreement No.___

EXHIBIT "A-1"

LEGAL DESCRIPTION OF THE NORTHERN PORTION OF THE PROPERTY AND THE SLB EXTENSION

PARCEL A:

PARCELS 1 THROUGH 4, INCLUSIVE OF MAPS AND LETTERED LOTS A THROUGH J, INCLUSIVE, OF PARCEL MAP NO.

25541, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON FILE IN BOOK 166 PAGES 27

THROUGH 35, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

Development Agreement No.___

EXHIBIT "A-2"

LEGAL DESCRIPTION OF THE SOUTHERN PORTION OF THE PROPERTY

PARCEL B:

PARCELS 1 THROUGH 9 AND LETTERED LOTS "A" THROUGH "O", ALL INCLUSIVE OF PARCEL MAP 28971, IN THE

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 198 PAGES 8 THROUGH 10

INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM PARCELS 3 AND 7, THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED

RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015506 OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM PARCEL 3 ALL THAT PORTION CONVEYED TO THE CITY OF BANNING BY A DEED

RECORDED MARCH 22, 2002 AS INSTRUMENT NO. 2002-146041.

PARCEL C:

PARCELS 1 AND 2 AND LETTERED LOTS A, B, AND C OF PARCEL MAP 13521, IN THE COUNTY OF RIVERSIDE, STATE OF

CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 83, PAGES 13 THROUGH 15, INCLUSIVE OF PARCEL MAPS, IN THE

OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF BANNING, A MUNICIPAL CORPORATION, BY

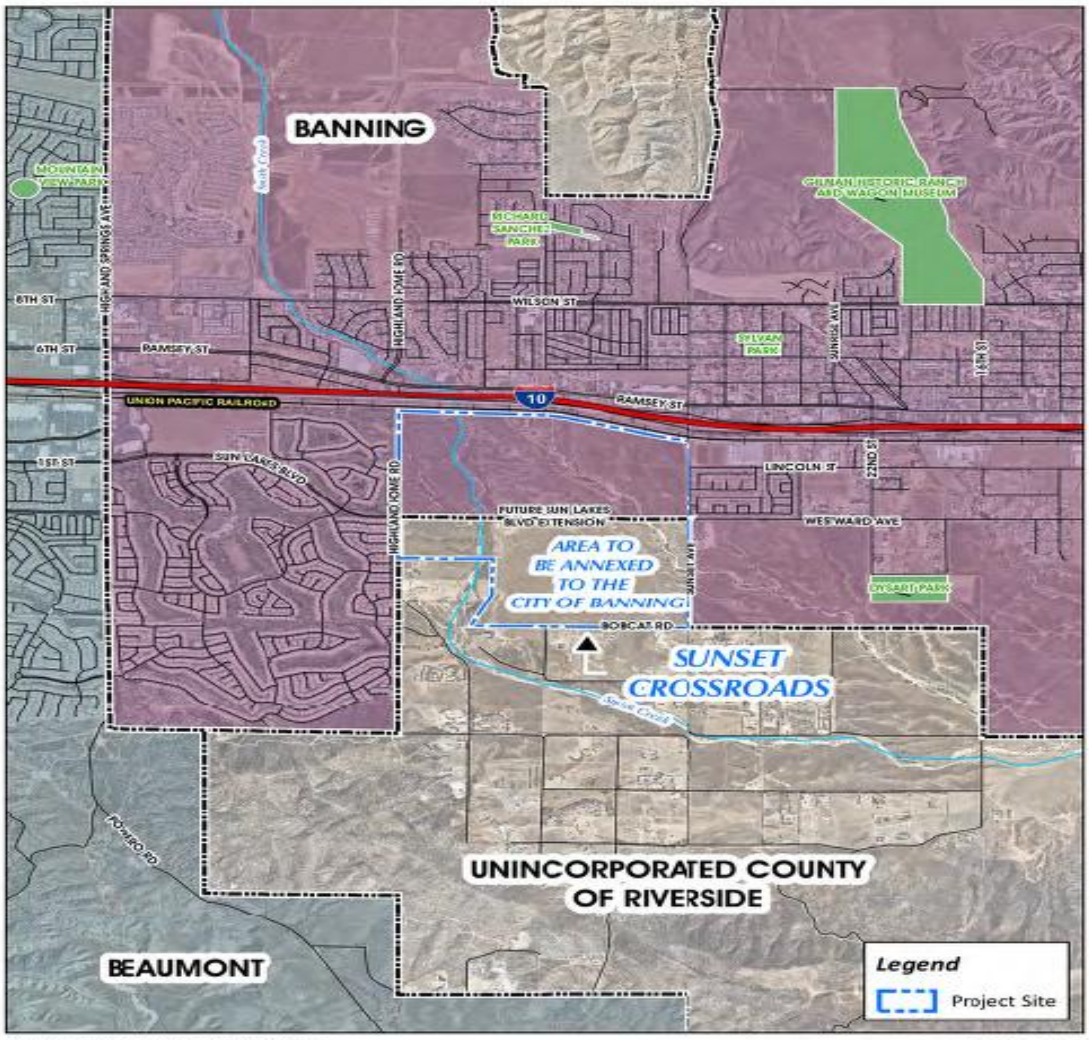
DEED RECORDED JANUARY 15, 1998, AS INSTRUMENT NO. 98-015506, OFFICIAL RECORDS.

DRAFT FOR DISCUSSION PURPOSES ONLY

Development Agreement No.___

EXHIBIT "B"

MAP SHOWING PROPERTY AND ITS LOCATION



Development Agreement No.___

EXHIBIT "C"

EXISTING DEVELOPMENT APPROVALS

1. certification of the EIR;

2. adoption of a general plan amendment;

3. adoption of a zone change for the Northern Portion of the Property;

4. adoption of a prezoning change for the Southern Portion of the Property;

5. adoption of the Specific Plan to regulate development within the Property;

6. approval of this Agreement; and

7. approval of tentative parcel map No. TPM 38118.

COPIES OF THE EXISTING DEVELOPMENT APPROVALS LISTED ABOVE ARE ON FILE IN THE CITY OF BANNING PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

Development Agreement No.___

EXHIBIT "D"

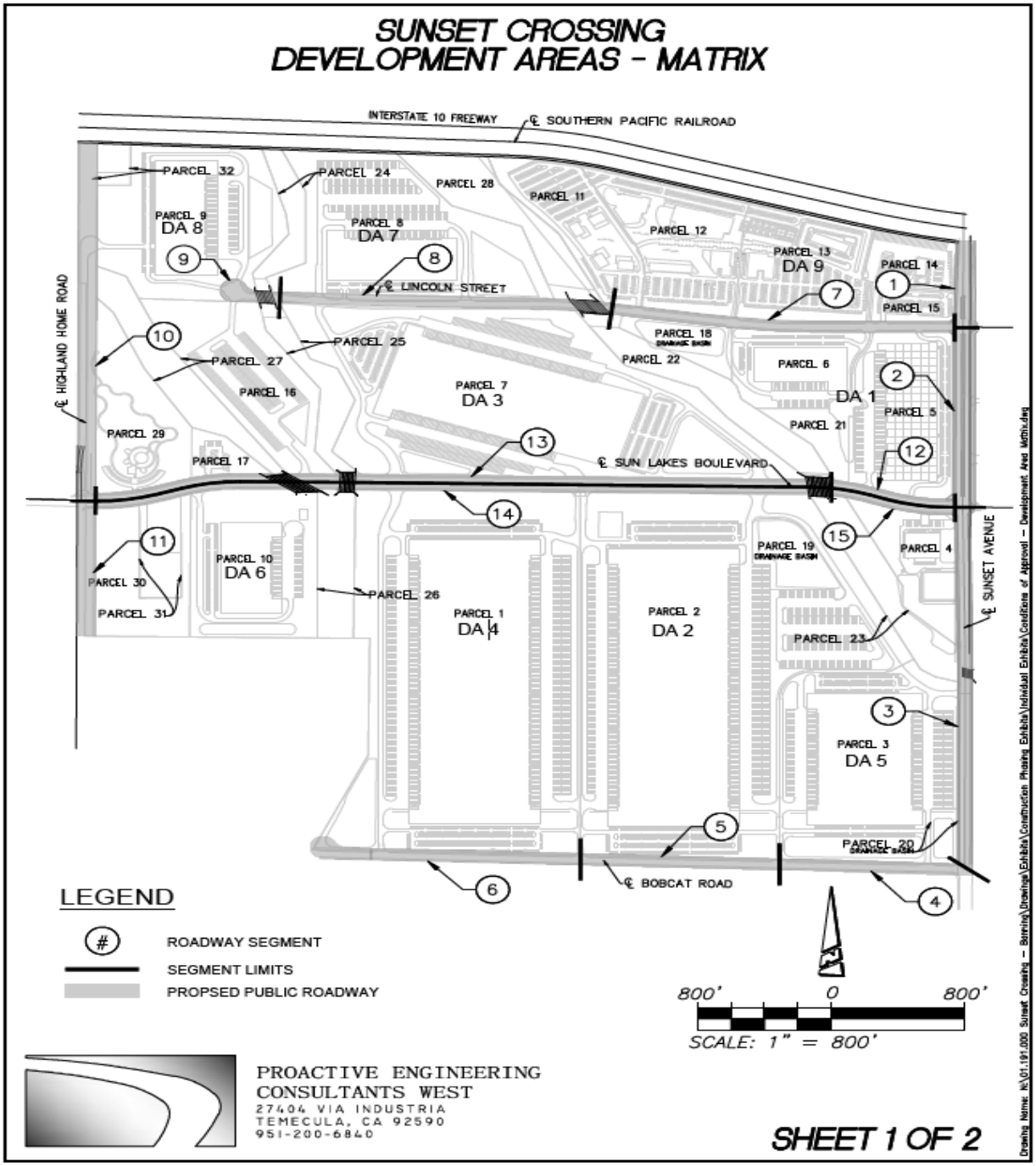
EXISTING LAND USE REGULATIONS

COPIES OF THE EXISTING LAND USE REGULATIONS LISTED ABOVE ARE ON FILE IN THE CITY OF BANNING PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

Development Agreement No.___

EXHIBIT "E-1"

INITIAL PHASING PLAN



SUNSET CROSSING
DEVELOPMENT AREAS - MATRIX

DA	PARCELS	ROADWAY SECTION														
		SUNSET			BOBCAT			LINCOLN			HHR		SLB			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	5, 6, 18, 21, 22, 23	X	X					X					X	X		
2	2, 19, 20, 23	X	X	*	*	X									X	X
3	7, 25	X	X					X	X				X	X		
4	1, 4	X	X	*	*	X	X								X	X
5	3, 19, 20, 23	X	X	**	*										X	X
6	10, 26	X	X												X	X
7	8, 28	X						X	X				X	X		
8	9, 16, 17, 24, 27, 29, 30, 31, 32	X	X					X	X	X	X	X	X	X	**	
9	11, 12, 13, 14, 15	X						X								

* STREETS 3 & 4 NEED TO BE COMPLETE BEFORE THE COMPLETION OF EITHER 1) BOTH DA 4&5, OR 2) BOTH DA 2&5. (DA 2 AND DA 4 CANNOT BOTH BE COMPLETED PRIOR TO SEGMENTS 3 AND 4 ARE COMPLETED.)

** ROADWAY SECTION MUST BE COMPLETED ALONG PROJECT FRONTAGE.

ADDITIONAL EXHIBIT NOTES:
1. ALL UTILITIES (SEWER, STORM DRAIN, POTABLE WATER, NON-POTABLE WATER, ELECTRIC, GAS, COMMUNICATIONS) SHALL BE INSTALLED WITH EACH APPLICABLE ROAD PHASE, AND/OR STUBBED TO BEYOND DA LIMITS FOR FUTURE CONNECTIONS/EXTENSIONS.
2. ANY NEW PAVEMENT DISTURBED WITHIN 5-YEAR OF CITY ACCEPTANCE WILL REQUIRE FULL GRIND AND OVERLAY OF THE CURB TO CURB ROADWAY SECTION.
3. ALL DRAINAGE CROSSINGS SHALL BE CONSTRUCTED TO ULTIMATE WIDTH WITH ANY DEVELOPMENT PHASE.
4. THIS TABLE REPRESENTS THE MINIMUM LEVEL OF IMPROVEMENT FOR ANY ONE DEVELOPMENT PHASE. DEVELOPER MAY ELECT TO CONSTRUCT IMPROVEMENTS IN EXCESS OF THESE MINIMUM IMPROVEMENTS.
5. ROADWAY IMPROVEMENTS SHALL BE CONSTRUCTED PER SPECIFIC PLAN CIRCULATION, EXCEPT FOR SUN LAKES BLVD. WHICH MAY BE CONSTRUCTED AS HALF-WIDTH IMPROVEMENTS.
6. REQUIREMENTS FROM OTHER AGENCIES MAY REQUIRE IMPROVEMENTS BEYOND THE MINIMUMS SHOWN ON THIS EXHIBIT.

PROACTIVE ENGINEERING
CONSULTANTS WEST
27404 VIA INDUSTRIA
TEMECULA, CA 92590
951-200-6840

SHEET 2 OF 2

Drawing Name: N:\01.191.000 Sunset Crossing - Banning\Drawings\Exhibits\Construction Phasing Exhibits\Individual Exhibits\Conditions of Approval - Development Area Matrix.dwg

Development Agreement No.___

EXHIBIT "F"

IMPROVEMENTS INCLUDED AS CONDITIONS OF APPROVAL TO THE EXISTING DEVELOPMENT APPROVALS.

Depicted in Exhibit "E-1", incorporated herein by reference

Roadway Improvements, per Specific Plan

- **Sunset Avenue (1-10 to Lincoln Street): Arterial Highway (110' R/W) - Full Width Improvements (if not constructed by others)**
- **Sunset Avenue (Lincoln Street to Sun Lakes Boulevard): Modified Secondary Highway (110' R/W) - Full Width Improvements**
- **Sunset Avenue (South of Sun Lakes Boulevard): Secondary Highway (88' R/W) - Full Width Improvements (if not constructed by others)**
- **Lincoln Street: Collector Street (78' R/W) - Full Width Improvements**
- **Bobcat Road: Collector Street (78' R/W) - Half Width Improvements plus 10' of Roadway Improvements**
- **Highland Home Road (North of Sun Lakes Boulevard): Arterial Highway (110' R/W) – Half Width Improvements plus 10' of Roadway Improvements**
- **Highland Home Road (South of Sun Lakes Boulevard): Arterial Highway (110' R/W) - Half Width Improvements plus 10' of Roadway Improvements**

• Utility Improvements

- **Recycled Water (size varies)**
- **Water (size varies)**
- **Sanitary Sewer (size varies)**
- **Storm Drain (size varies)**
- **24" Sanitary Sewer Dry Trunk Main (South of Sun Lakes Boulevard)**
- **(2) Concrete Box Culvert Roadway Crossings along Lincoln Street**
- **(1) Concrete Box Culvert Roadway Crossings along Sunset Avenue (South of Sun Lakes Boulevard)**

Development Agreement No.___

EXHIBIT "G-1"

Modifications to Project

EXHIBIT "G-2"

DIF CREDIT AND REIMBURSEMENT AGREEMENT

DEVELOPMENT IMPACT FEE CREDIT IMPLEMENTATION AGREEMENT
(Sunset Crossroads)

This DEVELOPMENT IMPACT FEE CREDIT IMPLEMENTATION AGREEMENT ("**Agreement**") is made and effective this ____ day of _____, 2025, by and between the CITY OF BANNING, a California municipal corporation ("**City**"), and NP BANNING INDUSTRIAL, LLC, a Missouri limited liability company ("**Owner**"). City and Owner are sometimes hereinafter referred to individually as a "**Party**" and collectively as the "**Parties**."

RECITALS

A. Owner is the owner and developer of certain real property comprised ___ gross acres of land, more specifically described in the legal description set forth in Exhibit "A," attached hereto and incorporated herein by this reference ("**Property**").

B. Owner has obtained certain entitlements from the City including General Plan Amendment No. __-____, Zone Change No __-____, Pre-zone Change No. __-____, the Sunset Crossroads Specific Plan No. 20-20000002, FEIR (SCH No. _____), Tentative Parcel Map No. _____, a Sign Program, and a Development Agreement, which entitlements together allow for the development of a project currently titled "Sunset Crossroads," which is intended to include commercial and industrial uses, including, without limitation: (a) up to 268,400 square feet of commercial uses, including Travel Center Retail Uses, a Fueling Facility, and a hotel with approximately 125 rooms; (b) up to 5,545,000 square feet of industrial land uses within a 396.5-acre portion of the Property; (c) related signage; (d) approximately 65.4 acres of land designated for Open Space-Resources (52.8 acres) and Open Space-Parks (approximately 5 acres); and approximately 23.6 acres of internal circulation features ("**Project**"). The Development Agreement was recorded in the official records of the County of Riverside on _____ __, 2025, as Document No. 2025-_____ and became effective on _____ __, 2025 ("**Development Agreement**").

C. On September 10, 2019, the Banning City Council adopted Resolution 2019-112, approving updated development impact fees, including fees for General Facilities, Police Facilities, Fire Facilities, Parkland and Park Facilities, General City Facilities, Wastewater Facilities, and Water Facilities additionally the City imposes regional development impact fees pursuant to separate ordinances known as TUMF Fees and MSHCP Fees (collectively "**Development Impact Fees**" or "**DIF**"). The final Development Impact Fee Update Study dated August 7, 2019 ("**DIF Nexus Study**"), is currently on file with the City.

D. The Development Agreement requires Owner to pay Development Impact Fees as set forth in the Development Agreement at Section 5.11 and Exhibit "H" for the purpose of

defraying all or a portion of the cost of public improvements, public services, and community amenities related to the Project.

E. As a condition of the development approvals for the Project, as more specifically set forth the Development Agreement, City has required, or for some improvements gives the option for, Owner to design, construct, and/or install certain components of public infrastructure, and/or dedicate certain properties, that might otherwise have been funded by DIF (collectively, the "**DIF Improvements**", and individually a "**DIF Improvement**")**.**

F. The City's DIF program authorizes the City to provide a credit to project applicants against certain DIF in exchange for the applicant's construction and dedication of public improvements covered by the nexus study for that DIF. TUMF and MSHCP credits are subject to and Owner shall comply with the rules of the Western Regional Council of Governments and the Western Riverside Regional Conservation Agreement respectively. Accordingly, the Development Agreement contemplates that, in exchange for providing the DIF Improvements, Owner shall be entitled to: (1) fee credits or reimbursements from the City for the public improvements required in Section 5.3 of the Development Agreement ("**Public Improvements**"), to the extent that such public improvements are included in the City's DIF program; (2) DIF credits in the amount of Owner's Deficit, including the portion of the Accelerated Transportation DIF Payment that was not refunded to Owner, related to the future extension of Sun Lakes Boulevard ("**SLB Extension**"), to the extent there remains any difference between the maximum cost included in each of the TUMF and DIF nexus studies and TUMF or DIF funds already spent on the SLB Extension; (3) a partial DIF credit due to Owner's constructing or funding the construction of improvements to Sunset Avenue ("**Sunset Avenue Improvements**") as set forth in Section 5.6 of the Development Agreement to the extent such improvements are included in City's DIF program; (4) Parkland and Park Facilities DIF credit for the design and cost of constructing the Specific Plan Park Facilities, as set forth in Section 5.10.3 of the Development Agreement; and (5) DIF credit for Owner's construction of Oversized Improvements to the extent an improvement is included in the DIF program, as set forth in more detail in Section 5.12 of the Development Agreement. Sections 5.8.1 through 5.8.24 of the Development Agreement require Owner to dedicate the Fire Station Property, Water Tank Property, Electrical Property and the RO Property ("**Dedication Properties**") in exchange for DIF credits, following dedication of said properties. For the sake of clarity and notwithstanding anything to the contrary herein, DIF credits shall only be due with respect to the particular DIF having the corresponding improvement identified in the Nexus Study for the DIF in question.

G. This Agreement shall be interpreted consistently with California Labor Code Section 1720(c)(2) to accomplish the Parties' intent that the Project is a private development and exempt from payment of prevailing wages to the full extent permitted under California Labor Code Section 1720(c)(2), and any other applicable provisions and City maintains no proprietary interest in the Project; provided, however, that Owner shall pay prevailing wage for the DIF Improvements and as otherwise required by state law.

H. The Parties desire to enter into this Agreement to implement the Project in a manner consistent with the Development Agreement for the following purposes: (1) to provide for the timely delivery of the DIF Improvements; (2) to provide a means by which Owner's costs for delivery of the DIF Improvements and related right-of-ways are offset against Owner's DIF

obligations; and (3) to provide a means for Owner to be reimbursed for DIF Improvements in accordance with the terms of the Development Agreement.

I. It is the intent of this Agreement to implement certain provisions of the Development Agreement related to the City providing credit against Developer's required payment of DIF for qualifying improvements. If there is any conflict between this Agreement and the Development Agreement, the Development Agreement shall control. Capitalized terms which are used in this Agreement but not defined herein shall be as defined in the Development Agreement.

J. The Parties contemplate that one or more Subdivision Improvement Agreements will be entered into in connection with a final map approved and recorded in connection with the development of the Project. The Subdivision Improvement Agreements will likely include provisions related to required insurance, bonds, warranty, and other provisions related to the construction of improvements to be accepted by the City. It is the intent of this Agreement to not duplicate, contradict, or override the terms of that Subdivision Improvement Agreements, but to have the terms of the Subdivision Improvement Agreements control in the event of a conflict with the terms of this Agreement.

NOW, THEREFORE, for the purposes set forth herein, and for good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

TERMS

1.0 Incorporation of Recitals. The Parties hereby affirm the facts set forth in the Recitals above and agree to the incorporation of the Recitals as though fully set forth herein.

2.0 Construction of DIF Improvements. Owner shall construct or have constructed at its own cost and expense the DIF Improvements. The DIF Improvements are described and listed in the City's May 2019 Traffic Fee Study and the DIF Nexus Study that support the imposition of the City's Development Impact Fees, TUMF and MSHCP, as the same may be amended or added to under the Development Agreement. The DIF Improvements shall thereafter be shown and described more specifically on the plans, profiles, and specifications that will be prepared by or on behalf of Owner and approved by City, as provided by this Agreement and under applicable law. The DIF Improvements are the public facilities identified in the Nexus Study upon which the applicable DIF Credit (as defined in this Agreement) is calculated. Owner shall be eligible to receive the applicable DIF Credit against payment of the DIF upon the proof of payment under the construction contract for the applicable DIF Improvements. Owner shall provide all equipment, tools, materials, labor, tests, design work, and engineering services necessary to fully and adequately complete the DIF Improvements.

2.1 Pre-Approval of Plans and Specifications. Owner shall obtain City approval of all plans and specifications of the DIF Improvements before starting construction. In preparing the plans and specifications, Owner shall utilize competent design professionals who timely perform design services at a competitive cost. City approval of plans and specifications shall not relieve Owner from ensuring that all DIF Improvements conform with all other requirements and standards set forth in this Agreement and under applicable law.

2.2 Bidding and Contracting Requirements. Owner shall comply with Exhibit "C" to this Agreement and all state and local laws, ordinances, regulations, codes, standards, and other requirements applicable to the bidding and contracting for the construction of the DIF Improvements including but not limited to Labor Code Section 1720 requiring the payment of prevailing wages.

2.3 Permits and Notices. Before starting any work on the applicable DIF Improvements, the contractor(s) retained by Owner for the work (each, a "Contractor") shall, at its sole cost and expense, obtain all necessary permits and licenses and give all necessary and incidental notices required for the lawful construction of the applicable DIF Improvements and performance of the Contractor's obligations under its contract with Owner. The Contractor shall conduct the work in full compliance with the regulations, rules, standard procedures, and other requirements contained in any permit or license issued to the Contractor.

2.4 Insurance and Public Works Requirements. Owner and all of its Contractors shall pay prevailing wages (in accordance with Articles 1 and 2 of Chapter 1, Part 7, Division 2 of the Labor Code) as required by law and otherwise comply with applicable provisions of the Labor Code, the Government Code and the Public Contract Code on work on all DIF Improvements. The Contractors shall be required to provide proof of insurance coverage throughout the term of the construction of the applicable DIF Improvements reasonably acceptable to City. The Contractors shall comply with such other reasonable requirements relating to the construction of the applicable DIF Improvements which Owner, in consultation with City, may impose by written notification delivered to the Contractors at any time. The Contractors shall provide proof to Owner, at such intervals and in such form as Owner may require, that the foregoing requirements have been satisfied.

2.5 Quality of Work/Compliance with Laws. The construction plans and specifications for the DIF Improvements shall be prepared in accordance with all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other requirements. The DIF Improvements shall be completed in a good and workmanship like manner in accordance with all approved maps, plans, specifications, standard drawings, and special amendments thereto on file with City, as well as all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other requirements applicable at the time work is actually commenced.

2.6 Standard of Performance. The DIF Improvements shall be completed in a skillful and workmanlike manner, and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. The Contractors shall be skilled in the professional calling necessary to perform the work and shall have all licenses, permits, qualifications, and approvals of whatever nature legally required to perform the work, and such licenses, permits, qualifications, and approvals shall be maintained throughout the term of this Agreement.

2.7 Alterations to DIF Improvements. All work shall be done, and the applicable DIF Improvements completed, as shown on approved plans and specifications, and any subsequent alterations thereto. If during the course of construction and installation it is reasonably determined that public health and safety interests require alterations in the applicable DIF Improvements, the Contractor shall undertake such design and construction changes as may be

reasonably required by City and agreed to by Owner. Any and all alterations in the plans and specifications and the applicable DIF Improvements to be completed may be accomplished without first giving prior notice thereof to the Contractor's surety for this Agreement.

2.8 Coordination of DIF Improvements. Construction of the DIF Improvements shall include any transitions and/or other incidental work deemed necessary for drainage or public safety, as shown more specifically for the applicable DIF Improvements. Owner shall be responsible for the replacement, relocation, or removal of any component of any existing public or private improvement in conflict with the construction or installation of the DIF Improvements, to the extent that Owner is permitted to do so, with such cooperation as may be necessary from the City, including, without limitation, condemnation proceedings. Such replacement, relocation, or removal shall be performed to the satisfaction of City, which shall not be unreasonably withheld, conditioned, or delayed, and Owner shall make commercially reasonable efforts in coordinating with private owners of such improvements, if any.

3.0 Maintenance of DIF Improvements. City shall not be responsible or liable for the maintenance or care of any completed portion of the DIF Improvements until City expressly approves and accepts that portion in writing. City shall exercise no control over completed portions of the DIF Improvements until accepted. Any use by any person of any completed portion of the DIF Improvements, shall be at the sole and exclusive risk of Owner at all times prior to City's acceptance of completed portions of the DIF Improvements. Owner shall maintain completed portions of the DIF Improvements in a state of good maintenance and repair until they are approved and accepted by City, and until the security for the performance of the completed portion of the DIF Improvements is released. It shall be Owner's responsibility to initiate all maintenance work, but if it shall fail to do so, it shall promptly perform such maintenance work when notified to do so by City. If Owner fails to properly prosecute its maintenance obligation under this section, following thirty (30) days' written notice by City, City may do all work necessary for such maintenance and the cost thereof shall be the responsibility of Owner and the surety under this Agreement. City shall not be responsible or liable for any damages or injury of any nature in any way related to or caused by any completed portion of the DIF Improvements or their condition prior to acceptance, except to the extent caused by, relating to, or arising out of the negligent acts or omissions or willful conduct of City or its elected officials, officers, employees, volunteers, or agents. The process and terms for the City accepting a completed DIF Improvement shall be as provided in the applicable Subdivision Improvement Agreement, if any, entered into for that applicable portion of the Project.

4.0 Fees and Charges. Owner shall, at its sole cost and expense, pay all fees, charges, and taxes required by the Development Agreement arising out of the construction of the DIF Improvements, including, without limitation, all plan check, design review, engineering, inspection, sewer treatment connection fees, and other service fees established by City. All of these fees may be included in the DIF Credit subject to the other terms of this Agreement and the Development Agreement.

5.0 City Inspection of DIF Improvements. Owner shall, at its sole cost and expense, and at all times during construction of the DIF Improvements, maintain reasonable and safe facilities and provide safe access for inspection by City of the DIF Improvements and areas where construction of the DIF Improvements is occurring or will occur.

6.0 Liens. Upon the expiration of the time for the recording of claims of liens as prescribed by Civil Code Sections 8412 and 8414 with respect to the DIF Improvements, Owner shall provide to City such evidence or proof as City shall require that all persons, firms, and corporations supplying work, labor, materials, supplies, and equipment to the construction of the DIF Improvements, have been paid in full, and that no claims of liens have been threatened (with such threats made in writing) or recorded by or on behalf of any such person, firm, or corporation.

7.0 Acceptance of DIF Improvements; As-Built or Record Drawings. As the applicable DIF Improvements are completed by Owner and approved by City, and if they comply with all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other requirements, City shall be authorized to accept the completed DIF Improvements or any portion thereof as provided herein or in the applicable Subdivision Improvement Agreement, if any. City may, in its reasonable discretion, accept fully completed portions of the applicable DIF Improvements before all of the DIF Improvements for an area are complete, which shall not release or modify Owner's obligation to complete the remainder of the DIF Improvements. Upon the total or partial acceptance of the applicable DIF Improvements by City, Owner shall file with the Recorder's Office of the County of Riverside a notice of completion for the accepted DIF Improvements in accordance with California Civil Code Sections 8182, 8184, 9204, and 9208 ("**Notice of Completion**"), and after the passage of all required periods of time for filing claims, and then resolution of all outstanding claims, DIF Improvements which have been accepted by the City in accordance with this Agreement shall become the sole and exclusive property of City without any payment therefore.. Notwithstanding the foregoing, City may not accept any portion of the applicable DIF Improvements unless and until Owner provides one (1) set of "as-built" or record drawings or plans to the City for all such portions of the applicable DIF Improvements. The drawings shall be certified and shall reflect the condition of the applicable DIF Improvements as constructed, with all changes incorporated therein.

8.0 Warranty and Guarantee. Owner hereby warrants and guarantees all the DIF Improvements against any defective work or labor done, or defective materials furnished in the performance of this Agreement, including the maintenance of the DIF Improvements, for a period of one year following completion of the portion of the applicable DIF Improvements as provided by this Agreement and/or the applicable Subdivision Improvement Agreement between the parties ("**Warranty**"). During the Warranty, Owner shall repair, replace, or reconstruct any defective portion of the DIF Improvements or portion that is not in substantial compliance with the approved plans, profiles and specifications for the applicable DIF Improvements, in accordance with the applicable ordinances, resolutions, regulations, codes, standards, or other requirements of City. All repairs, replacements, or reconstruction during the Warranty shall be at the sole cost and expense of Owner and the surety, except to the extent caused by, relating to, or arising out of the negligent acts or omissions or willful conduct of City, or its elected officials, officers, employees, volunteers, or agents. Upon completion of such repairs, replacements, or reconstruction required for claims made during the Warranty and after expiration of the Warranty, City shall release the related Warranty bond. As to any portion of DIF Improvements that have been repaired, replaced, or reconstructed pursuant to claims made during the Warranty, Owner agrees to Warranty those portions for an additional one year, but no additional extensions are applicable. Nothing herein shall relieve Owner from any other liability it may have under federal, state, or local law to repair, replace, or reconstruct any DIF Improvement following expiration of the Warranty or any extension thereof. Owner's Warranty obligation under this Section shall survive the expiration or

termination of this Agreement, but the survival period shall be limited to the statutory period of limitations for claims under the applicable law. In the event of a conflict among the warranty provisions of this Section and the provisions of the applicable Subdivision Improvement Agreement, the provisions which provide the most protection to City shall control.

9.0 Administrative Costs. If Owner fails to have constructed and installed all or any part of the applicable DIF Improvements, or if Owner fails to comply with any other obligation contained within this Agreement, Owner and the surety shall be jointly and severally liable to City for all administrative expenses, fees, and costs, including reasonable attorney's fees and costs, incurred in obtaining compliance with this Agreement or in processing any legal action or for any other remedies permitted by law.

10.0 Default; Notice; Remedies.

10.1 Notice. Notice and Defaults under this Agreement shall be as provided for in the Development Agreement.

10.2 City Completion of DIF Improvements. If the Default pertains to the failure of Owner to reasonably and timely prosecute to completion the applicable DIF Improvements, resulting in a demonstrated deficiency of necessary public health and safety services, City may complete all remaining work on the applicable DIF Improvements, arrange for the completion of all remaining work on the applicable DIF Improvements, and/or conduct such remedial activity as in its reasonable discretion it believes is required to remedy the Default. The cost of all such work or remedial activity shall be recoverable by City from Owner. City's right to take such actions shall in no way be limited by the fact that Owner, the Contractor, or its surety may have constructed any of the DIF Improvements at the time of City's demand for performance. Provided, however, that the City may not undertake completion of the applicable DIF Improvement until after providing written notice to Owner of Default setting forth the nature of the Default and the actions, if any, required by Owner to cure such Default and, where the Default can be cured, Owner has failed to take such actions and cure such Default within 60 days after the effective date of such notice or, in the event that such Default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such Default within such 60 day period and to diligently proceed to complete such actions and cure such Default. In the event City elects to complete or arrange for completion of the remaining work for the DIF Improvements, City may also require all work by Owner, the Contractor, or its surety on the applicable DIF Improvements to cease in order to allow adequate coordination by City.

10.3 Other Remedies. No action by any Party pursuant to this Section 10.0 et seq. of this Agreement shall prohibit that Party from exercising any other right or pursuing any other legal or equitable remedy available under this Agreement or any federal, state, or local law, except that in no event shall Owner or any of its contractors, subcontractors, or assignees be entitled to seek monetary damages from City. The Parties may exercise their rights and remedies independently or cumulatively, and the Parties may pursue inconsistent remedies. The Parties may institute an action for damages, injunctive relief, or specific performance.

11.0 Security; Surety Bonds. Prior to the commencement of any work on the DIF Improvements, the Contractor shall provide City with surety bonds in the amounts and under the

terms set forth below ("**Security**"). The amount of the Security shall be based on the estimated actual costs to construct the applicable DIF Improvements to be constructed by the Contractor for the applicable portion of the work, as determined by City in consultation with Owner after Owner has awarded a contract for construction of the DIF Improvements to the Contractor in accordance with this Agreement ("**Estimated Costs**"). If City in consultation with Owner determines, in its reasonable discretion, that the Estimated Costs have changed, the Contractor shall adjust the Security in the amount requested by the City. Compliance with this Section 11.0 *et seq.* of this Agreement shall in no way limit or modify Owner's indemnification obligation provided in Section 12.0 of this Agreement. In the event of a conflict between the surety bond provisions of this Section and the surety bond provisions of the applicable Subdivision Improvement Agreement, the Subdivision Improvement Agreement shall control.

11.1 Performance Bond. To guarantee the faithful performance of the DIF Improvements, to protect City if Owner is in Default as set forth in Section 10.0 *et seq.* of this Agreement, and to secure the one-year guarantee and Warranty of the applicable DIF Improvements, the Contractor shall provide City a faithful performance bond in an amount which sum shall be not less than one hundred percent (100%) of the Estimated Costs. City may, in its reasonable discretion, partially release a portion or portions of the Security provided under this Section as the applicable DIF Improvements or portion thereof are accepted by City, provided that the Contractor is not in default on any provision of its contract with Owner and the total remaining security is not less than ten percent (10%) of the Estimated Costs. All security provided under this Section shall be released at the end of the Warranty period, or any extension thereof as provided in Section 8.0 of this Agreement, provided that Owner is not in Default on any provision of this Agreement.

11.2 Labor & Material Bond. To secure payment to the Contractors, subcontractors, laborers, materialmen, and other persons furnishing labor, materials, or equipment for performance of the DIF Improvements, the Contractor shall provide City a labor and materials bond in an amount which sum shall not be less than one hundred percent (100%) of the Estimated Costs. The Security provided under this Section may be released by written authorization of City by passage of time within which claims of lien are required to be recorded under Civil Code sections 8410 *et seq.* The amount of such security shall be reduced by the total of all stop notice or mechanic's lien claims of which City is aware, plus an amount equal to ten percent (10%) of such claims for reimbursement of City's anticipated administrative and legal expenses arising out of such claims.

11.3 Additional Requirements. The surety for any surety bonds provided as Security shall have a current A.M. Best rating of at least "A" and FSC-VIII, shall be licensed to do business in California, and shall be satisfactory to City in its reasonable discretion. As part of the obligation secured by the Security and in addition to the face amount of the Security, Owner, the Contractor, or the surety shall secure the costs and reasonable expenses and fees, including reasonable attorney's fees and costs, incurred by City in enforcing the obligations of this Agreement. Owner, the Contractor, and the surety shall stipulate and agree that no change, extension of time, alteration, or addition to the terms of this Agreement, the DIF Improvements, or the plans and specifications for the DIF Improvements shall in any way affect its obligation on the Security.

11.4 Evidence and Incorporation of Security. Evidence of the Security shall be provided on the forms set forth in Exhibit "B" to this Agreement, unless other forms are deemed acceptable by City, and when such forms are completed to the satisfaction of City, the forms and evidence of the Security shall be attached hereto as Exhibit "B" and incorporated herein by this reference.

12.0 Indemnification. Owner shall defend, indemnify, and hold harmless City, its elected officials, employees, and agents from any and all actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state, or local governmental agency, arising out of, or incident to, any acts, omissions, or willful misconduct of Owner, its employees, contractors, subcontractors, or agents in connection with, or arising out of, or in any way related to, or caused by, the DIF Improvements or their condition prior to City's approval and acceptance of the DIF Improvements ("**Claims**"). This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorney's fees, and related costs or expenses, and the reimbursement of City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. This indemnification excludes only such portion of any Claim that is caused by, related to, or arising out of the negligence or willful misconduct of City or its elected officials, officers, employees, volunteers or agents. Owner's obligation to indemnify shall survive the expiration or termination of this Agreement and shall not be limited or restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents. The City shall provide prompt notice to Owner of any Claims, and City shall have the right to select the counsel representing City with respect to the Claims. Notwithstanding the foregoing, Owner's indemnity obligations specified in this Section 12.0 with respect to any given DIF Improvement shall terminate one (1) year after City accepts the DIF Improvement.

13.0 Insurance. The insurance requirement under this Agreement shall be the same as the insurance requirements in any approved Subdivision Improvement Agreements entered into by City and Owner in connection with a final map.

14.0 DIF and other Credits; Reimbursements.

14.1 DIF Credit Offset Against DIF. Under the Development Agreement and in consideration for Owner's obligation under this Agreement for the delivery of DIF Improvements, Owner shall be entitled to receive a credit for its DIF Improvement Costs against the DIF for the Project. Owner's Costs for delivery of the DIF Improvements shall include all costs actually and reasonably incurred by Owner, and verified by the City as reasonably incurred, that the Contractor, and third party consultants or subcontractors incurred in the design, permitting, land and right of way, construction, installation, management, and related activities for delivery of the DIF Improvements both before and after the date of execution of this Agreement but after the date of the Development Agreement ("**Costs**"), except that Costs shall exclude any overhead or debt service. With regard to the SLB Extension, the Costs shall include the portion of the Accelerated Transportation DIF Payment that was not refunded to Owner. Owner shall be entitled to, and the City shall grant to Owner, a credit against the DIF ("**DIF Credit**") in an amount equal to the lesser of: (a) the Costs or (ii) the total amount of the DIF to be imposed and levied on the Project. The grant of DIF Credit under this Agreement shall not preclude the financing of the DIF Improvement

through a Community Facilities District ("**CFD**") established for all or any portion of the Project. The determination of DIF Credit will be determined by the City in good faith with input from Owner on a quarterly or other basis.

14.2 Evidence of Costs of DIF Improvements. Before the City's issuance of any certificate of occupancy for the Project for which the applicable DIF Improvement is needed, Owner shall provide to City reasonably satisfactory evidence of the Costs of each of the DIF Improvements for that portion of the DIF Improvements under construction that would equal or exceed the applicable DIF fees ("**Estimated Costs**"). City may consider the following evidence of Costs provided that clearly relate to and are determined by City to be reasonable incurred and related to DIF Improvements in the Project Phase: (a) Owner and/or Contractor's invoices that verify the work completed and percentage of work performed; (b) invoices from and payments made to design professionals; and (c) invoices or assessments and payments made for permits. Following substantial completion and before City's acceptance of the DIF Improvements, Owner may elect to pay to City the total amount of the DIF due to be imposed and levied on the Project in satisfaction of the precondition for issuance of certificates of occupancy, minus the Estimated Costs incurred as of that date. Thereafter, upon acceptance of the DIF Improvements by City and Owner's provision of evidence of the actual Costs, City shall refund to Owner the amount of DIF paid that should have been covered by the DIF Credit within forty-five (45) calendar days.

14.3 DIF Reimbursement. If the dollar amount of the Costs exceeds the DIF applicable to the Project or a portion of the Project, Owner will be deemed to have fully satisfied the DIF as to that portion and is entitled to a reimbursement from City for the Costs in excess of the applicable DIF (the "**Excess Costs**") but only for Costs of a DIF Improvement that is identified in a DIF nexus study ("**Qualified Excess Costs**") and only if and to the extent that the City receives development impact fee funds from other developers that are found to have contributed to the need for the DIF Improvement. The obligation of the City to collect and pay Owner Qualified Excess Costs from other developers in the City shall terminate with the Development Agreement. Notwithstanding any other provision of this Agreement, City's assistance with reimbursement related to the DIF Improvements is limited to the Qualified Excess Costs which shall, in any event, not exceed the Costs of the DIF Improvements. City shall not under any circumstances be obligated to contribute, and shall not contribute additional assistance to the DIF Improvements, other than as expressly provided for in this Agreement. Under no circumstance shall the City pay any Excess Cost to Owner from the general fund, special funds or other funds of the City, unless the City, in its sole and absolute discretion, chooses to do so. If any audit by the Parties or the California Department of Industrial Relations determines that any excess amount has been credited, reimbursed, or otherwise contributed by City, then Owner shall reimburse City for such excess amount. This paragraph shall be interpreted consistently with California Labor Code Section 1720(c)(2) to accomplish the Parties' intent that the Project is a private development exempt from payment of prevailing wages to the full extent permitted under California Labor Code Section 1720(c)(2), and any other applicable provisions and City maintains no proprietary interest in the Project; provided, however, that Owner shall pay prevailing wage for the DIF Improvements.

14.4 Oversized Public Improvements; Fair Share Payments; Fee Credits.

14.4.1 Construction of Oversized Public Improvements. The Parties acknowledge that certain of the Public Improvements to be constructed by Owner may, to a greater

or lesser extent, constitute Oversized Improvements and that owners of other properties will benefit from such Oversized Improvements. For purposes of Section 14.4 of this Agreement, "**Oversized Improvements**" means any Public Improvement with respect to which the Parties agree that Owner's direct or indirect financial contribution exceeds its Fair Share of the cost of the Public Improvement or portion thereof reasonably attributable to the Project or phase thereof. Exhibit "F" of the Development Agreement lists all of the Public Improvements; not all of these Public Improvements are Oversized Improvements. In addition, City agrees that, in recognition of the regional nature of certain street and, possibly, other improvements made to the Property by Owner, City shall use its best efforts subject to limitations on its legal authority to ensure that owners of all property that will reasonably benefit from the Public Improvements, as determined in accordance with Section 14.4.2 of this Agreement ("**Benefitted Properties**"), will pay their Fair Share for such Public Improvements, either directly or through subdivision, reimbursement, or other agreements, between such owners and City, or between owners of Benefitted Properties.

14.4.2 Fair Share Determination. For purposes of Section 14.4 of this Agreement, "**Fair Share**" shall mean the amount if any, of Owner's contribution to the cost of any Public Improvements, and unless otherwise provided in Exhibit "I" of the Development Agreement, shall be calculated for the Project based on the Project's proportion of the benefit conferred on all Benefitted Properties, as established by a regional benefit study prepared by independent professional consultants experienced in the preparation of "zone of benefit" studies. The consultants shall be selected by City.. City shall afford Owner, and any other involved developer(s), the opportunity to review and comment on the tentative conclusions, and such comments shall be taken into consideration by City in its review. The costs of any such study shall be deemed to be a part of the cost of the Oversized Improvement to which it pertains. The fees and costs of the consultants shall be paid, initially, by the Owner or if possible from other developers then involved. The Parties recognize, however, that it will not always be possible to implement or achieve such goals, given the size, timing of development and nature of the other Benefitted Properties, and nothing herein shall be deemed to require City to fund or reimburse any portion of the excess costs other than from funds collected expressly for such purpose, or to pay for the cost of any such improvements or any portions thereof out of its general, special or other fund revenues.

14.4.3 Fee Credits. In accordance with Section 5.12.3 of the Development Agreement, to the extent a Public Improvement is included in the DIF Nexus Study, City shall recognize and apply in lieu credit against any and all fees, for and equal to the Costs to provide the Public Improvement and/or dedications made in the development of the Project by Owner, even if such improvement was funded by a CFD or other alternative financing mechanism, and for which the fees would otherwise be imposed in accordance with City ordinances and resolutions; provided, however, that such in lieu credit shall not exceed the amount established by City's DIF program for construction of such improvements and/or dedications.

14.4.4 Limits on Public Funds. Notwithstanding anything else to the contrary herein, the parties acknowledge and agree that in no event shall the cumulative total of public funds, as defined in California Labor Code Section 1720(b), received by Owner with respect to the Project exceed the amount of the conditioned public improvements imposed on the Project as part of the Development Approvals.

14.5 Credits and Reimbursements for Dedication Properties.

14.5.1 Dedication of Fire Station Property and Water Tank Property. Although not needed for the Project, the Parties acknowledge that in the future the City or the County may choose to construct a fire station on the Fire Station Property and a water tank on the Water Tank Property. Owner shall reserve the Fire Station Property and Water Tank Property and shall dedicate such properties to the City.. After acquiring the Fire Station Property and Water Property, the City or County shall not use the Fire Station Property for any use other than a fire station or the Water Tank Property for anything other than a water tank. Under no circumstances shall Owner be obligated to pay for the construction of the fire station or water tank.

15.0 Miscellaneous.

15.1 Assignment. Owner may assign all or any portion of its rights under this Agreement, including any DIF Credits under this Agreement, following notice to City.

15.2 Relationship between the Parties. The Parties hereby mutually agree that this Agreement shall not operate to create the relationship of partnership, joint venture, or agency between City and Owner. Further, the Parties mutually agree that the Contractor is exclusively and solely under the control and dominion of Owner. Nothing herein shall be deemed to make Owner or its Contractor an agent or contractor of City.

15.3 Warranty as to Property Ownership; Authority to Enter Agreement. Owner hereby warrants that it owns fee title to the Property and that it has the legal capacity to enter into this Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority make this Agreement and bind each respective Party.

15.4 Prohibited Interests. Owner warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Owner, to solicit or secure this Agreement. Owner also warrants that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Owner, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon the making of this Agreement. For breach of this warranty, City shall have the right to rescind this Agreement without liability.

15.5 Notices. All notices, demands, invoices, and written communications shall be in writing and delivered to the following addresses or such other addresses as the Parties may designate by written notice:

To City:
City of Banning
Attn: Public Works Director
99 E. Ramsey Street
Banning, CA 92220
Fax No. (951) 922-3141

To Owner: NP Banning Industrial, LLC
Attn: J.J. Jenkins
12977 N. Outer Forty Rd., Suite 203
St. Louis, MO 63141
Email: jjenkins@northpointkc.com

Depending upon the method of transmittal, notice shall be deemed received as follows: by facsimile, as of the date and time sent; by messenger, as of the date delivered; and by reputable overnight mail, as of two (2) days after deposit in the overnight mail.

15.6 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this Agreement.

15.7 Construction; References; Captions. It being agreed the Parties or their agents have participated in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days, or period for performance shall be deemed calendar days and not work days. All references to Owner include all personnel, employees, agents, and contractors of Owner, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers, except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

15.8 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding, unless executed in writing and signed by both Parties.

15.9 Waiver. No waiver of any Default shall constitute a waiver of any other Default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual right by custom, estoppel, or otherwise.

15.10 Binding Effect. Each and all of the covenants and conditions shall be binding on and shall inure to the benefit of the Parties, and their successors, heirs, personal representatives, or assigns. This section shall not be construed as an authorization for any Party to assign any right or obligation.

15.11 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

15.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

15.13 Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of California.

15.14 Time is of the Essence. Time is of the essence in this Agreement, and the Parties agree to execute all documents and proceed with due diligence to complete all covenants and conditions.

15.15 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original and which collectively shall constitute one instrument.

15.16 Entire Agreement. This Agreement and the Development Agreement contain the entire agreement between City and Owner with respect to DIF Credits and supersede any prior oral or written statements or agreements between City and Owner.

15.17. Exhibits. All Exhibits to this Agreement are hereby incorporated in full by reference as though set forth in full, provided that in the event of any material conflict between any Exhibit or portion thereof and any provision of this Agreement, the provisions of this Agreement shall control.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

(Signatures on next page)

OWNER
NP Banning Industrial, LLC, a Missouri Limited Liability Company

_____
By:
Its:

_____
By:
Its:

APPROVED AS TO FORM:

_____
By:
Attorneys for NP Banning Industrial, LLC

CITY OF BANNING

_____
By: Richard Royce, Mayor

ATTEST:

_____
By: Caroline Patton
Administrative City Clerk

APPROVED AS TO FORM:

_____
By: John Pinkney,
City Attorney

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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

State of California)
)ss.
County of _____})

On _____ before me, _____, Notary Public, personally appeared _____,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

(seal)

My commission expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY
[ATTACHED BEHIND THIS PAGE]

EXHIBIT "B"
FORMS FOR SECURITY
[ATTACHED BEHIND THIS PAGE]

BOND NO. _____

INITIAL PREMIUM: _____

SUBJECT TO RENEWAL

PERFORMANCE BOND

WHEREAS, the City of Banning ("City") has executed an agreement with NP Banning Industrial, LLC (hereinafter "**Owner**"), requiring Owner to perform certain work consisting of, but not limited to, furnishing all labor, materials, tools, equipment, services, and incidentals for the design, construction, and/or installation of public improvements (hereinafter the "**Work**");

WHEREAS, the Work to be performed by Owner is more particularly set forth in that certain DIF Credit Implementation Agreement dated _____, (hereinafter the "**Agreement**"); and

WHEREAS, the Agreement is hereby referred to and incorporated herein by this reference; and

WHEREAS, Owner or its contractor is required by the Agreement to provide a good and sufficient bond for performance of the Agreement, and to guarantee and warranty the Work constructed thereunder.

NOW, THEREFORE, we the undersigned, , as Principal and , a corporation organized and existing under the laws of the State of and duly authorized to transact business under the laws of the State of California, as Surety, are held and firmly bound unto the CITY in the sum of ($_____), said sum being not less than one hundred percent (100%) of the total cost of the Work as set forth in the Agreement, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such, that if Owner and its contractors, or their heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, agreements, guarantees, and warranties in the Agreement and any alteration thereof made as therein provided, to be kept and performed at the time and in the manner therein specified and in all respects according to their intent and meaning, and to indemnify and save harmless City, its officers, employees, and agents, as stipulated in the Agreement, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or additions to the terms of the said Agreement or to the Work to be performed thereunder or the specification accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Agreement or to the Work.

IN WITNESS WHEREOF, we have hereto set our hands and seals this _____ day on _____, 20___.

Principal

By:_____

President

Surety

By:_____

Attorney-in-Fact

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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

State of California)
)ss.
County of _____})

On _____ before me, _____, Notary Public, personally appeared _____,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

(seal)

My commission expires: _____

CERTIFICATE AS TO CORPORATE PRINCIPAL

_____, certify that I am the Secretary of the corporation named as principal in the attached bond, that who signed the said bond on behalf of the principal was then of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing Board.

(Corporate Seal)

Signature:_____

Date:_____

NOTE: A copy of the power of attorney to local representatives of the bonding company may be attached hereto.

BOND NO.
INITIAL PREMIUM: _____
SUBJECT TO RENEWAL

LABOR & MATERIAL BOND

WHEREAS, the City of Banning ("**City**") has executed an agreement with NP Banning Industrial, LLC (hereinafter "Owner"), requiring Owner to perform certain work consisting of, but not limited to, furnishing all labor, materials, tools, equipment, services, and incidentals for the design, construction, and/or installation of public improvements (hereinafter "**Work**");

WHEREAS, the Work to be performed by Owner is more particularly set forth in that certain DIF Credit Implementation Agreement dated _____, (hereinafter the "**Agreement**"); and

WHEREAS, Owner or its contractor is required to furnish a bond in connection with the Agreement providing that if Owner or any of his or its contractors shall fail to pay for any materials, provisions, or other supplies, or terms used in, upon, for or about the performance of the Work contracted to be done, or for any work or labor done thereon of any kind, or for amounts due under the provisions of 3248 of the California Civil Code, with respect to such work or labor, that the Surety on this bond will pay the same together with a reasonable attorney's fee in case suit is brought on the bond.

NOW, THEREFORE, we the undersigned, as _____ Principal and _____, a corporation organized and existing under the laws of the State of_____ and duly authorized to transact business under the laws of the State of California, as Surety, are held and firmly bound unto the City and to any and all material men, persons, companies or corporations furnishing materials, provisions, and other supplies used in, upon, for or about the performance of the said Work, and all persons, companies or corporations renting or hiring teams, or implements or machinery, for or contributing to said Work to be done, and all persons performing work or labor upon the same and all persons supplying both work and materials as aforesaid, the sum of ($_____), said sum being not less than one hundred percent (100%) of the total amount payable by Owner under the terms of the Agreement, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that if Owner or its contractors, or their heirs, executors, administrators, successors, or assigns, shall fail to pay for any materials, provisions, or other supplies or machinery used in, upon, for or about the performance of the Work contracted to be done, or for work or labor thereon of any kind, or fail to pay any of the persons named in California Civil Code Section 9100, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and his subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such work and labor, and all other applicable laws of the State of California and rules and regulations of its agencies, then said Surety will pay the same in or to, an amount not exceeding the sum specified herein.

In case legal action is required to enforce the provisions of this bond, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to court costs, necessary disbursements and other consequential damages. In addition to the provisions hereinabove, it is agreed that this bond will inure to the benefit of any and all persons, companies and corporations entitled to make claims under Sections 8024, 8400, 8402, 8404, 8430, 9100 of the California Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

The said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or additions to the terms of the Agreement or to the Work to be performed thereunder or the specification accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the Work.

IN WITNESS WHEREOF, we have hereto set our hands and seals this _____ day on _____, 20___.

Principal

By:_____
President

Surety

By:_____
Attorney-in-Fact

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

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

State of California)
) ss.
County of _____})

On _____ before me, _____, Notary Public, personally appeared _____,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

(seal)

My commission expires: _____

CERTIFICATE AS TO CORPORATE PRINCIPAL

_____, certify that I am the Secretary of the corporation named as principal in the attached bond, that who signed the said bond on behalf of the principal was then of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing Board.

(Corporate Seal)

Signature:_____

Date:_____

NOTE: A copy of the power of attorney to local representatives of the bonding company may be attached hereto.

EXHIBIT "C"
BIDDING AND CONTRACTING, REQUIREMENTS FOR DIF IMPROVEMENTS

With respect to construction contracts awarded for DIF Improvements after approval of this Agreement, bids for construction shall be solicited from at least three qualified contractors, provided that three qualified contractors are reasonably available. Owner may also directly solicit bids. The bid package may consist of preliminary plans and specifications.

The bidding response time shall be not less than ten (10) business days.

The City's Public Works Director shall be provided a copy of the tabulation of bid results before the award of the contract.

Contract(s) for the construction of the DIF Improvements shall be awarded to the qualified contractor(s) submitting the lowest bid(s), as determined by Owner.

The contractor to whom a contract is awarded shall be required to pay not less than the prevailing rates of wages pursuant to Labor Code Sections 1770, 1773 and 1773.1. A current copy of applicable wage rates shall be on file in the Office of the City Clerk, as required by Labor Code Section 1773.2

The contractor shall be required to provide certified payrolls to Owner and shall furnish copies of those records to the City upon request.

Development Agreement No.___

EXHIBIT "H"

DEVELOPMENT FEES IN EFFECT AS OF EFFECTIVE DATE

City of Banning Development Impact Fees[1]						
Land Use Category	**Fire Facilities**	**General City Facilities**	**Police**	**Traffic**	**Water**	**Wastewater[2]**
Nonresidential – Fee per 1,000 Square Feet - Industrial	$236.00	$239.00	$170.00	$1,791.69	Per Table 8.5 in City Council Resolution 2019-112	$708.54
Nonresidential – Fee per 1,000 Square Feet - Commercial	$486.00	$493.00	$351.00	$		
Nonresidential – Fee per 1,000 Square Feet - Office	$633.00	$633.00	$458.00	$		
Per Equivalent Dwelling Unit	N/A	N/A	N/A	N/A		

[1] Represents the City of Banning Development Impact Fees for non-residential land uses effective November 9, 2019 per City Council Resolution No. 2019-112.

[2] Wastewater Facilities Fee shown as per 1 EDU. Wastewater Facilities EDU Factors for every 1,000 square feet are 0.37 for Commercial, 0.13 for Office and 0.14 for Industrial.

City of Banning Development Impact Fees (cont'd.)		
Land Use Category	**TUMF[3]**	**MSHCP[3]**
Industrial	$2.33 per square foot	$20,191 per acre
Class A/B Office	$2.45 per square foot	
Retail	$7.72 per square foot	
Service	$4.89 per square foot	

[3] TUMF and MSHCP subject to annual increases.

Development Agreement No.___

EXHIBIT "I"

FAIR SHARE PAYMENTS

Summary of Intersection Improvements and Fair Share Percentages

#	Intersection Location	Jurisdiction	Analysis Scenarios					Improvements included in Fee Program?[1]	Project Responsibility[2]	Fair Share %[3]
			E+P (Phase 1+2)	E+P (Phase 1+2+3)	E+P (Phase 1+2+3+4)	Opening Year Cumulative (2027) With Project	Horizon Year (2045) With Project			
2	Highland Springs Av. & 6th St./Ramsey St.	Banning, Beaumont	None	None	None	None	Modify the cycle length to 120 seconds	No	Fair Share	10.8%
33	Sunset Av. & Westward Av.	Banning, County of Riverside	None	None	None	Add a 2nd NB through lane	Same	No	Fair Share	32.0%
							Add a WB left turn lane		Fair Share	
							Add a WB right turn lane		Fair Share	
37	Sunset Av. & Bobcat Rd.	Banning, County of Riverside	None	None	None	Non	Install an all-way stop control	No	Fair Share	27.7%

[1] Improvements included in the City of Banning DIF program or WRCOG TUMF program.

[2] Identifies the Project's responsibility to construct an improvement or contribute fair share or fee payment towards the implementation of the improvements shown.

[3] Program improvements constructed may be eligible for fee credit, at discretion of City. See Table 8-1 for Fair Share Calculations.

SUNSET CROSSROADS SPECIFIC PLAN





SPECIFIC PLAN NO. 20-20000002

CITY OF BANNING

PUBLIC HEARING DRAFT | SEPTEMBER 2024

SUNSET CROSSROADS

SPECIFIC PLAN NO. 20-20000002

CITY OF BANNING

PUBLIC HEARING DRAFT | SEPTEMBER 2024

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INTRODUCTION 1

CHAPTER ONE establishes the goals and purposes of this Specific Plan, its physical context, its relationship to other regulations and planning documents, and its development goals.



1.1 PROJECT SUMMARY

1.2 PROJECT LOCATION

1.3 EXISTING SITE CHARACTERISTICS

1.4 SURROUNDING LAND USES & DEVELOPMENT

1.5 DOCUMENT PURPOSE

1.6 SPECIFIC PLAN FORMAT

1.7 PLANNING APPROACH

1.8 SPECIFIC PLAN GOALS

1.9 DISCRETIONARY ACTIONS AND APPROVALS

CHAPTER 1 | INTRODUCTION

1.1 PROJECT SUMMARY

Located south of Interstate 10, between Highland Home Road and Sunset Avenue, from the Union Pacific Railroad south to Bobcat Road, the SUNSET CROSSROADS Specific Plan brings considerable industrial business opportunities along with a vibrant retail, recreation and entertainment district to the City of Banning. SUNSET CROSSROADS creates an environment for businesses and economic investments to prosper and where the community can enjoy entertainment, utilize retail services, and realize job opportunities in a variety of business types. At the time this Specific Plan was prepared, the project boundary consists of 554.8 acres under a single ownership, which included an approximately 21-acre existing or future right of way easement for the construction of the Future Sun Lakes Boulevard Extension (which is Not a Part of the Specific Plan). Exclusion of the approximately 21-acre easement for the Future Sun Lakes Boulevard Extension reduces the area subject to the Specific Plan to 533.8 acres. Of the total 533.8 acres within the Specific Plan, 280.1 acres (263.7 acres for development and 16.4 acres for circulation) are located within the City of Banning corporate boundary and 253.7 acres (241.8 acres for development and 11.9 acres for circulation) of the site are located outside of the City of Banning's corporate boundary, within the City's Sphere of Influence. As part of the overall development Project, an application to the Local Agency Formation Commission (LAFCO) was submitted for Annexation of the southern portion of the site into the City of Banning. The Specific Plan will become effective for the southern portion of the site upon annexation of that property into the City of Banning.



SUNSET CROSSROADS establishes 19 Planning Areas with four (4) Land Use Designations, as shown in Table 1-1, *Land Use Summary* and Figure 2-1, *Land Use Plan,* designed to attract new business and new visitors to the City of Banning. The Specific Plan provides a wide range of Industrial, General Commercial, Open Space – Park, and Open Space – Resources land uses to the City, which create new employment opportunities, improve the City's jobs-to-housing balance, and may reduce residents' commute times. The addition of industrial, retail, professional and medical offices, education, recreation, and hospitality uses will also contribute to the City of Banning's sales tax base. As part of the project, the applicant will convey locations for the following infrastructure and municipal uses: a Reverse Osmosis Facility Site and an Electrical Substation Site. The Electrical Substation Site may be conveyed prior to approval of this Specific Plan. Additionally, sites for a potential future Fire Station and Potable Water Reservoir have been identified.

The 47.9-acre commercial district of SUNSET CROSSROADS (Planning Area 1) stretches along the northeast portion of the site, between Lincoln Street and the project boundary, creating the opportunity for a Maximum Building Square Footage of 268,400 square feet of leisure, retail, medical office, professional office, education, recreation and entertainment uses along with a freeway accessible 125-room hotel and a complete Travel Center including retail and convenience sales, a drive-through fast food restaurant, 20 vehicle fueling stations and six (6) commercial fueling stations. Maximum Building Square Footage is defined as the total square footage of all floors in structure as measured

from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. SUNSET CROSSROADS is designed to be a regional commercial and entertainment attraction, providing multi-generational destinations with a focus on activity and wellness-based retail uses which may include but is not limited to stationary wave surfing, indoor skydiving, indoor go-karting, obstacle gyms, and a large indoor/outdoor climbing wall, yoga studios, dance studios and other athletic activities, provided that the City determines that the environmental impacts of such uses do not increase the project's environmental impacts evaluated in the Sunset Crossroads Specific Plan EIR or supplemental environmental analysis is performed as required by CEQA.



SUNSET CROSSROADS establishes a Maximum Building Square Footage of 5,545,000 square feet of Industrial land uses (Planning Areas 2-10) on 392.0 acres, creating opportunities for a wide range of industrial endeavors within the City of Banning. Due to the site's proximity to the Sunset Avenue Interstate 10 interchange, the SUNSET CROSSROADS Specific Plan is particularly well-suited for warehousing and distribution operations, as well as other industrial uses.

Three natural drainage courses, Smith Creek, Pershing Creek, and Highland Wash, (40.5acres) designated Open Space – Resource, traverse the SUNSET CROSSROADS Specific Plan site from northwest to southeast (Planning Areas 13-19), and will remain undisturbed, except for required road and infrastructure crossings. In addition, along Highland Home Road, the SUNSET CROSSROADS Specific Plan establishes a total of 25.1 acres of open space uses (Planning Areas 11 and 12), which provide parkland and open space uses while buffering the site's industrial development from the residential community to the west. Planning Area 11 is designated Open Space-Parks and consists of a 5.0-acre public park developed with a tot-lot, picnic tables, restrooms and walking trails, the remainder of this 12.6-acre site may contain pedestrian trails, but will otherwise remain undeveloped open space. Planning Area 12 consists of 12.5 acres designated Open Space – Resource, which provides an open space buffer which may contain trails, as well as providing location for a possible Reverse Osmosis Facility Site and Fire Station site.

Table 1-1 LAND USE SUMMARY

PA	LAND USE DESIGNATION	ACRES
1	GENERAL COMMERCIAL	***47.9***
2	INDUSTRIAL	33.8
3	INDUSTRIAL	7.8
4	INDUSTRIAL	194.3
5	INDUSTRIAL	66.3
6	INDUSTRIAL	28.1
7	INDUSTRIAL	25.8
8	INDUSTRIAL	16.2
9	INDUSTRIAL	3.3
10	INDUSTRIAL	16.4
	INDUSTRIAL SUBTOTAL	***392.0***
	DEVELOPMENT TOTAL	***439.9***
11	OPEN SPACE - PARKS	*12.6*
12	OPEN SPACE - RESOURCE	12.5
13	OPEN SPACE - RESOURCE	7.5
14	OPEN SPACE - RESOURCE	7.1
15	OPEN SPACE - RESOURCE	6.0
16	OPEN SPACE - RESOURCE	4.8
17	OPEN SPACE - RESOURCE	4.1
18	OPEN SPACE - RESOURCE	3.3
19	OPEN SPACE - RESOURCE	7.7
	OPEN SPACE - RESOURCE SUBTOTAL	***53.0***
	CIRCULATION	***28.3***
	PROJECT TOTAL	*533.8*

Note: Acreage North of the SLB Extension = 280.1 AC, and South of the SLB Extension = 253.7 AC SLB Extension Easement = approximately 21 AC

The SUNSET CROSSROADS Specific Plan guides development by establishing the distribution, location and extent of the uses of land, including open space, within the area covered by the plan. Land Use Designations (Chapter 2, Development Plan), Infrastructure Plans (Chapter 2, Development Plan), Development Standards (Chapter 3), Design Guidelines (Chapter 4), and Implementation Regulations (Chapter 5, Implementation Plan) address permitted uses, building placement, architectural style, landscaping materials and other design and development elements. These design elements create visual interest, unity, and thematic consistency through the use of complementary exterior building materials, colors, wall and façade treatments. In addition, a conceptual landscaping program for the entire SUNSET CROSSROADS Specific Plan ties together the hardscape and softscape elements of the built environment to create a cohesive visual theme which blends this employment and entertainment center into the Banning community. The project design features contemporary architecture, lighting and signage, combined with architectural elevations and a variety of uses intended to ensure that the SUNSET CROSSROADS Specific Plan contributes to the long-term prosperity of the City of Banning.

Specific Plan circulation and infrastructure improvements are in conformance with the City's General Plan and the plans of local utility purveyors. Local access and connection to the regional transportation network is provided via Sunset Avenue, to the east of the project site. In addition to roads, master-planned on-site infrastructure improvements include potable water, wastewater, reclaimed water lines, and stormwater management, including water quality management/ flood control systems. Additionally, land has been allocated in PA 3, 7, and 12 for the development of municipal facilities, to be constructed by the City of Banning (a Reverse Osmosis Facility, Fire Station site, Potable

Water Reservoir site, and an Electrical Substation). The Specific Plan ensures that necessary roads, utilities, landscape elements, and other infrastructure facilities are installed when needed to accommodate the needs of the Specific Plan as it builds out.

1.2 PROJECT LOCATION

As illustrated on Figure 1-1, *Regional Map*, SUNSET CROSSROADS is located in the City of Banning, in western Riverside County. The City of Banning is served by Interstate 10 (I-10), a major east-west regional transportation corridor which connects Banning to the rest of Riverside County and the greater Los Angeles area, including the Ports of Long Beach and Los Angeles, both major gateways for international trade.

As illustrated on Figure 1-2, *Vicinity Map*, access to SUNSET CROSSROADS is provided via Interstate 10, from the Sunset Avenue interchange located approximately ¼ mile to north. SUNSET CROSSROADS stretches east to west along the southern side of the Union Pacific Railroad right of way, between Sunset Avenue and Highland Home Road. North to south, the site extends from the Union Pacific Railroad right of way to Bobcat Road and is bisected by Westward Avenue, which is currently unpaved and unimproved. The Future Sun Lakes Boulevard Extension (SLB Extension) will incorporate the current right-of-way of Westward Avenue. Upon construction, the SLB Extension will connect Sunset Avenue to Highland Home Road. Within this document, references to the SLB Extension include the existing Westward Avenue right-of-way, regardless of which road exists at the time of development. Additional access to the site is provided by Lincoln Street which is currently unpaved and unimproved and planned to be constructed by the Developer as part of the buildout of the Specific Plan, which extends west from Sunset Avenue and terminates within the site.

1.3 SURROUNDING LAND USES AND DEVELOPMENT

As illustrated on Figure 1-3, *Surrounding Land Uses,* the Sun Lakes Community, an established age-restricted residential community and golf course, is located west of Highland Home Road and SUNSET CROSSROADS. The planned Rancho San Gorgonio development which includes planned residential and commercial uses, the Mount San Jacinto College San Gorgonio Pass Campus, and undeveloped land are located east of Sunset Avenue. Properties to the south and southwest include scattered rural residential lots, agricultural operations, and vacant land. The Union Pacific Railroad borders the northern boundary of SUNSET CROSSROADS, with Interstate 10 (I-10) located immediately north of the Railroad.

1.4 EXISTING SITE CHARACTERISTICS

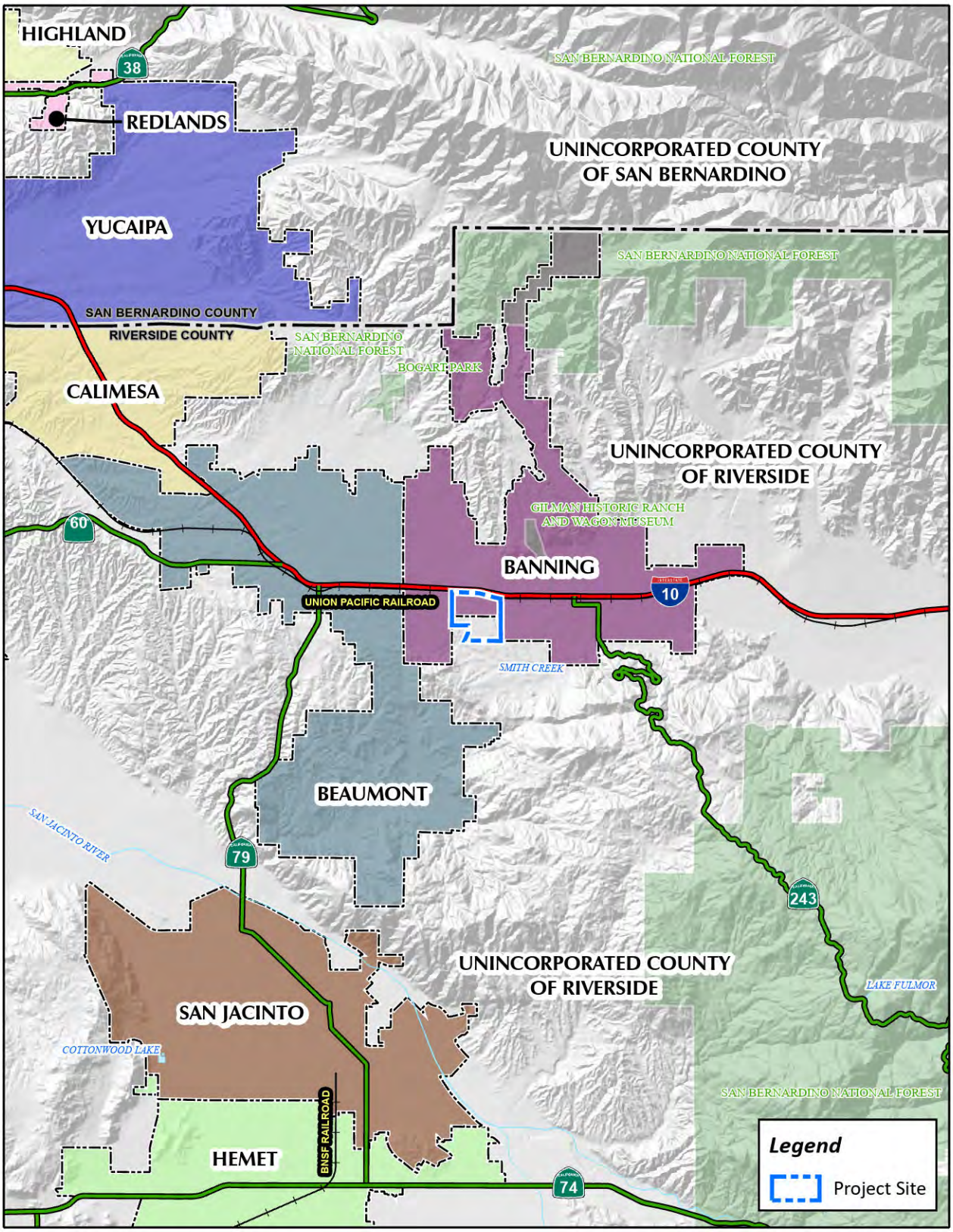
As shown on Figure 1-4, *Pre-Development Topographic Map*, the SUNSET CROSSROADS site is located within the San Gorgonio Pass and is comprised of gently sloping topography, with elevations ranging from approximately 2,399 feet above mean sea level (MSL) at the southeastern corner to 2,523 feet MSL at the northwestern corner. Vegetation cover reflects a history of dry farming and cattle grazing disturbances over a majority of the site, and consists primarily of non-native grasslands, with patches of Riversidean sage scrub, mixed ornamental woodland, and sandy wash. The sandy wash habitat is associated with three deeply-incised drainage courses that flow through the site.

Approximately 280.1 acres of the site are within the jurisdictional limits of the City of Banning and approximately 253.7 acres lie within the Sphere of Influence of the City of Banning in unincorporated Riverside County. As part of the Project, an application to the Local Agency Formation Commission (LAFCO) was submitted for Annexation of the 253.7 acres into the City of Banning. The northern portion of the Specific Plan is located within the southern half of Section 7, Township 3 South and Range 1 East. The southern portion of the Specific Plan under is located in the northern half of Section 18, Township 3 South and Range 1 East.

1.5 DOCUMENT PURPOSE

Authorized by California Government Code § 65450 et seq., a Specific Plan is a tool that is used for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. It effectively establishes a link between implementing policies of the General Plan and the individual development proposals in a defined area. As such, this document provides the City of Banning with policies and regulations to ensure efficient, orderly development of the subject property in accordance with the City's adopted General Plan.

The SUNSET CROSSROADS Specific Plan establishes standards for the development of a master planned industrial and general commercial center in the City of Banning. This Specific Plan includes Implementation Regulations relative to land uses and building intensity, as well as Design Guidelines that are intended to provide for innovation in architecture, landscaping, and building arrangements, as future applications submitted within this Specific Plan are proposed to develop within the Specific Plan. All future implementing actions (Design Reviews, Conditional Use Permits, Subdivision Maps, and other similar entitlements) for property located within the boundaries of this Specific Plan are required to be generally consistent with the Implementation Regulations and Design Guidelines set forth in this document and with all applicable City regulations, unless otherwise determined by the Community Development Director. The "Implementation Regulations" of this Specific Plan consist of the General Development Criteria (Section 3.1), Infrastructure Improvement Standards (Chapter 2), Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses (Section 3.2), Development Standards (Sections 3.3 and 3.4), Planning Area Standards (Section 3.5) and Implementation Plan (Section 5) which together constitute the zoning regulations for the SUNSET CROSSROADS Specific Plan. Where conflicts exist between the Implementation Regulations contained in the SUNSET CROSSROADS Specific Plan and those found in the City's Zoning Ordinance, the standards in this Specific Plan shall take precedence.

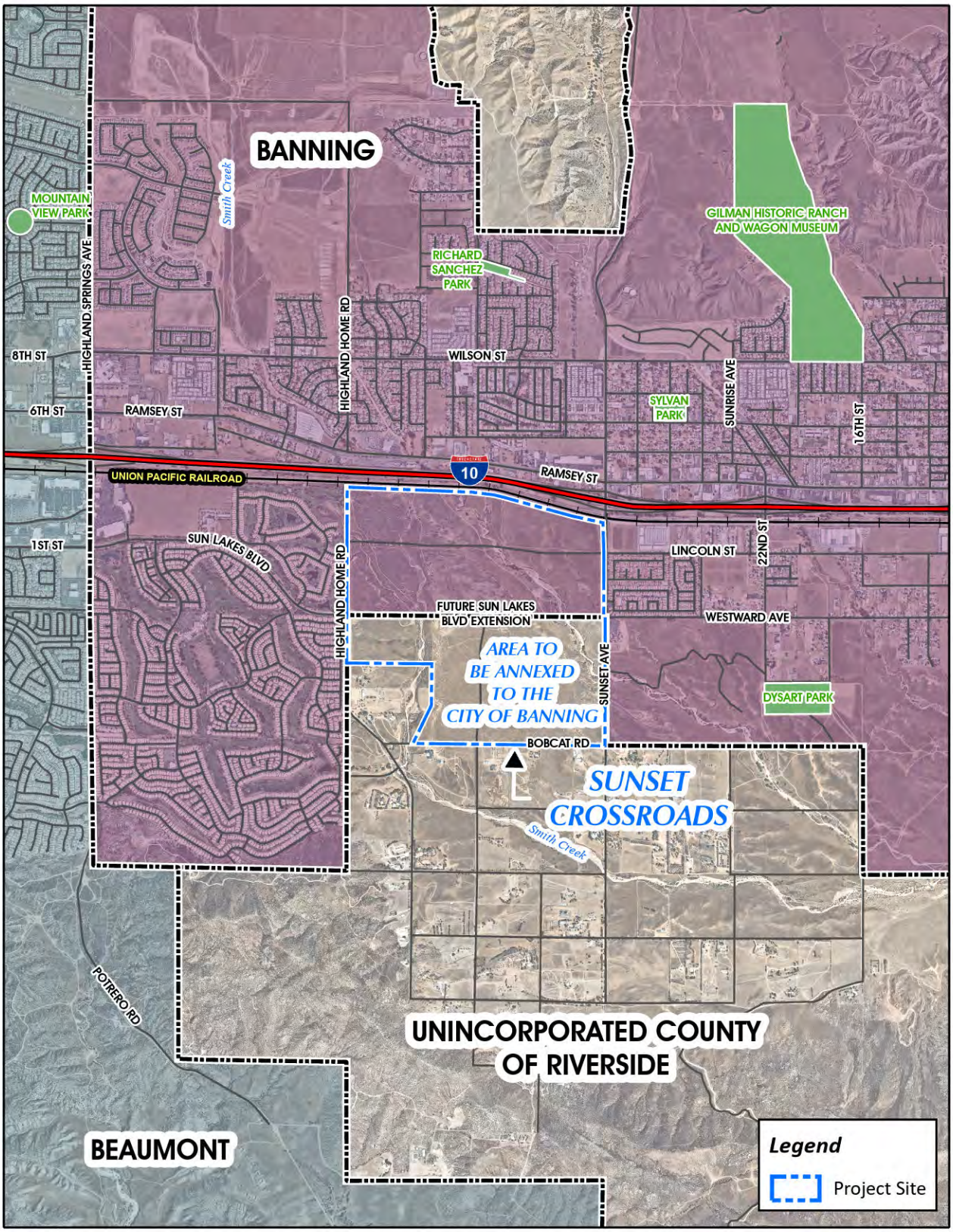


Source(s): ESRI, RCTLMA (2021), Bureau of Land Management (2021)

FIGURE 1-1

0 0.75 1.5 3 Miles

Regional Map



Source(s): NearMap Imagery (2022), RCTLMA (2021)

FIGURE 1-2

0 750 1,500 3,000 Feet

Vicinity Map

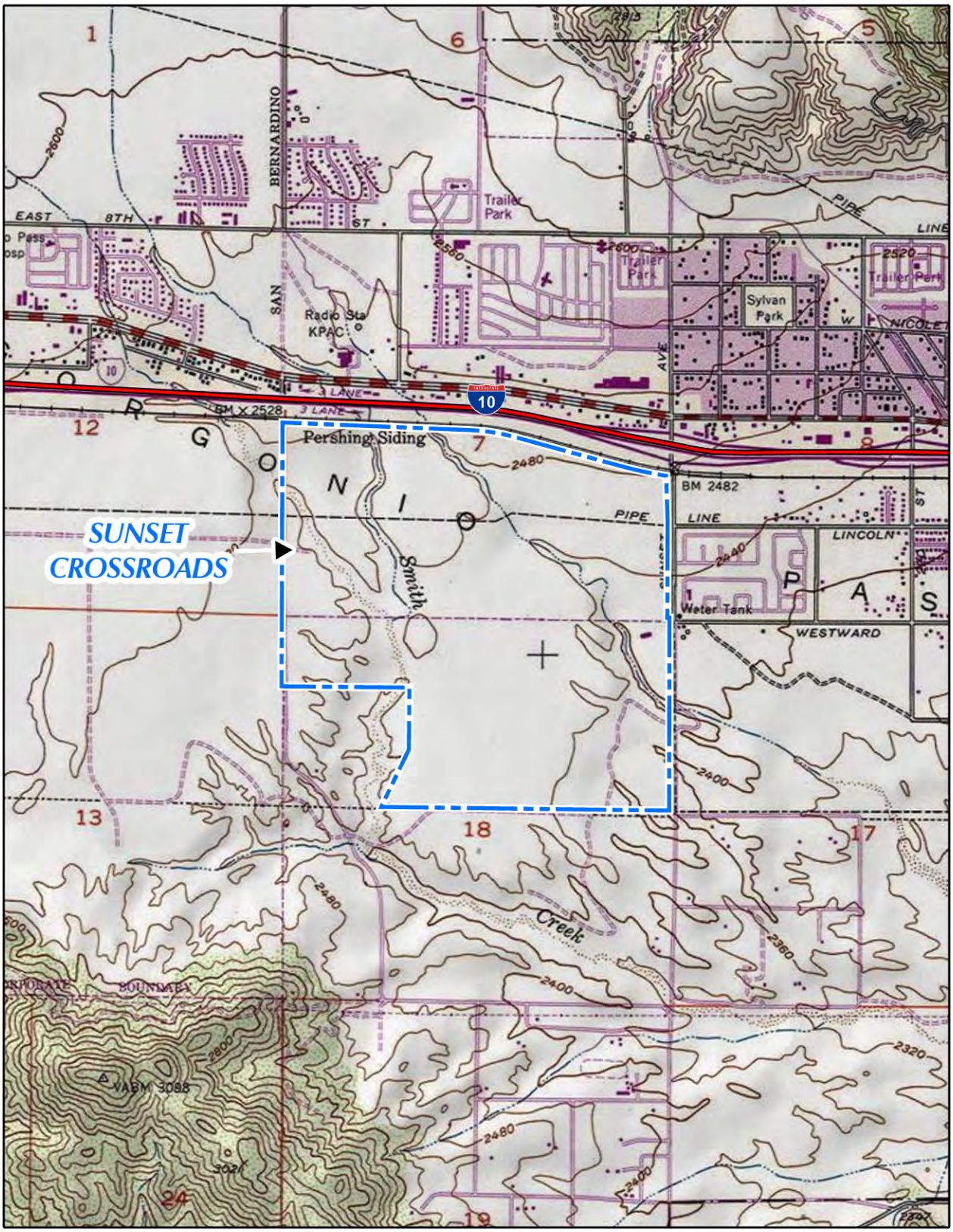


Source(s): NearMap Imagery (2022), RCTLMA (2021)

FIGURE 1-3

0 625 1,250 2,500
Feet

Surrounding Uses Map



Source(s): USGS (2013)

FIGURE 1-4

0 500 1,000 2,000 Feet

Pre-Development Topographic Map

1.6 SPECIFIC PLAN FORMAT

The SUNSET CROSSROADS SPECIFIC PLAN is divided into the following sections: 1) Introduction; 2) Development Plan; 3) Development Standards; 4) Design Guidelines; and 5) Implementation Plan. This SUNSET CROSSROADS SPECIFIC PLAN has been prepared to the provisions of California Government Code §65450, which grants local government agencies the authority to prepare specific plans of development for any area covered by a General Plan for the purpose of establishing systematic methods of implementation of the agency's General Plan. California Government Code §65450 through §65454 establishes the authority to adopt a Specific Plan, identify the required content of a Specific Plan, and mandate consistency with the General Plan. According to § 65450, a Specific Plan shall include text and a diagram or diagrams which specify all of the following details:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Specific Plan;
2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the Specific Plan;
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
4. A program of implementation measures including regulations, programs, public works projects, and financing measures; and
5. A statement of the relationship of the Specific Plan to the General Plan.

California state law also provides for the inclusion of any other subject that, in the judgement of the local planning agency, is deemed necessary or desirable to implement the General Plan, such as architectural or landscaped design guidelines.

In response to government requirements, this Specific Plan has been prepared to provide the essential link to the policies of the City of Banning General Plan. By functioning as a regulatory document, the SUNSET CROSSROADS SPECIFIC PLAN provides a means of implementing and detailing the City's General Plan and tailoring its policies to the subject property. This Specific Plan is designed to address site specific issues such as building setbacks and visual appearance, as well as community-wide concerns such as vehicular and non-vehicular circulation, energy conservation, landscaping, and the provision for infrastructure improvements. The SUNSET CROSSROADS SPECIFIC PLAN also ensures that new development meets or exceeds City standards for environmental protection, infrastructure, and aesthetic quality.

1.7 PLANNING APPROACH

The SUNSET CROSSROADS Specific Plan was created using an integrated, multi-disciplinary approach. The team assembled to undertake this project included the City, land planners, civil engineers, environmental resource specialists, historians, architects, landscape architects, geotechnical specialists, hydrology specialists, and market analysts. This team worked together to create a comprehensive development plan for the approximately 533.8-acre site, which provides land uses that take advantage of the site's proximity to access to Interstate 10 and responds to economic



trends in the City of Banning. The team also took great care to ensure that the Specific Plan is in conformance with the intent, goals and policies set forth by the City of Banning General Plan.

1.8 SPECIFIC PLAN GOALS



A wide range of key issues were reviewed, analyzed and considered during the preparation of this Specific Plan. Engineering feasibility, market acceptance, economic viability, City General Plan goals, and local community goals were all considered during the planning process. Planning and development goals for the Specific Plan have been established to ensure the functional integrity, economic viability, environmental sensitivity, and positive aesthetic impact of this Specific Plan. With these specific goals in mind, the following goals have been established for the SUNSET CROSSROADS Specific Plan:

- Create a Specific Plan for the development of state-of-the-art commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality and commercial activities.
- Anticipate market demand by providing a mixture of industrial and commercial land uses in a master-planned development that will be marketable and financially profitable within the evolving economic profile of the City of Banning.
- Provide a mix of commercial and industrial uses that create new job opportunities and reduce the need for City residents to commute outside of the City of Banning for employment, thereby improving the City's jobs to housing ratio.
- Establish a mix of commercial and industrial uses that result in economic benefits to the City through increased sales taxes and other revenue which can be used to provide City services.
- Maintain the integrity of the natural environment through the preservation and conservation of open space and natural drainage courses.
- Locate businesses that rely on transportation efficiency in a location offering superior access to the local and regional transportation network.
- Identify capital improvements for potable water, reclaimed water, sewer, drainage and water quality, and circulation facilities that serve planned land uses within and adjacent to SUNSET CROSSROADS.
- Establish a unified thematic concept for SUNSET CROSSROADS through design elements such as architecture, monumentation, theme walls, landscaping using a long-range comprehensive planning approach that cannot be accomplished on a parcel-by-parcel basis.
- Create a development-wide landscape concept that features drought-tolerant plant materials to provide for an aesthetically pleasing outdoor environment, while minimizing the demand for water resources.

1.9 DISCRETIONARY ACTIONS AND APPROVALS

Because the southern half of the Specific Plan (253.7 acres) is located within the jurisdictional boundaries of the County of Riverside and within the City of Banning's Sphere of Influence, an Annexation to the City will be required for development within the SUNSET CROSSROADS Specific Plan. A separate action is required by the Riverside County Local Agency Formation Commission (LAFCO) prior to formal Annexation of this portion of the site into the City of Banning. This Specific Plan has been prepared under the authority of the City of Banning Planning Department, which is also the Lead Agency for SUNSET CROSSROADS' approvals. This document will be used by the City in connection with the following decisions:

City of Banning Planning Commission

- Recommendation to the City Council regarding certification of the Project EIR No. 2021020011.
- Recommendation to the City Council adopt the General Plan Amendment No. 20-2504.
- Recommendation to the City Council regarding the adoption of Pre-Zoning of Specific Plan No. 20-20000002 by Ordinance.
- Recommendation to the City Council regarding the adoption of a Development Agreement.
- Recommendation to the City Council regarding approval of Subdivision Map(s).
- Recommendation to the City Council regarding the Annexation of the Specific Plan into the City of Banning.

City of Banning City Council

- Certification of the Project EIR No. 2021020011.
- Adoption by Resolution of General Plan Amendment No. 20-2504.
- Adoption by Ordinance of Pre-Zoning of Specific Plan No. 20-20000002.
- Approval by Ordinance of a Development Agreement.
- Approval of Subdivision Map(s).
- Approval by Resolution of an Annexation of the Specific Plan into the City of Banning.

Riverside Local Agency Formation Commission (LAFCO)

- Annexation of approximately 254 acres of the Specific Plan site from unincorporated Riverside County into the City of Banning.

Subsequent discretionary actions may include, but not be limited to, Annexations, Final Maps, Conditional Use Permits, Design Reviews, Subdivision Maps, Grading Permits, water and sewer system approvals, encroachment permits, and state and federal resource agency permits and approvals.

DEVELOPMENT PLAN

2

CHAPTER TWO provides descriptions of the SUNSET CROSSROADS Land Use Plan, the circulation system, and the plans for infrastructure including, but not limited to potable water, recycled water, sewer, drainage and water quality, grading, and fire protection.





2.1 LAND USE PLAN

2.2 CIRCULATION PLAN

2.3 POTABLE WATER PLAN

2.4 RECYCLED WATER PLAN

2.5 SEWER PLAN

2.6 DRAINAGE AND WATER QUALITY PLAN

2.7 GRADING PLAN

2.8 OPEN SPACE PLAN

2.9 FIRE PROTECTION PLAN

CHAPTER 2 | DEVELOPMENT PLAN

2.1. LAND USE PLAN

2.1.1. DEVELOPMENT CONCEPT



The SUNSET CROSSROADS Specific Plan provides for the development of a modern Industrial and General Commercial development on approximately 533.8 acres (excluding the approximately 21-acre easement for the Sun Lakes Boulevard Extension). Complemented by a cohesive architectural and landscape design theme and within view of commuters along Interstate 10 (I-10), SUNSET CROSSROADS establishes itself as a premier, state-of-the-art commerce center within the City of Banning.

The commercial center provides the City with an opportunity to develop a gathering site for the community at SUNSET CROSSROADS with a variety of leisure, retail, medical office, professional office, education, wellness, recreation, entertainment, restaurant uses, and other retail uses along with a freeway accessible 125-room hotel and a Travel Center. The project envisions a large communal outdoor gathering space as a primary focal point, which can accommodate a variety of recreational activities.

Sports-oriented activities such as stationary wave surfing, indoor skydiving, indoor go-karting, obstacle gyms, and a large indoor/outdoor climbing wall are examples of potential recreational uses that may develop in the commercial area. It is the mixture of unique wellness-based uses, restaurants, and other commercial uses complimented by outdoor gathering spaces and community focal points that are intended to serve as the core of SUNSET CROSSROADS' commercial attractions for years to come. Planning Area 1 includes a 125-room hotel of approximately 90,000 square feet.[1] The proposed Travel Center would provide access to quick fuel and food options conveniently located adjacent to the I-10. With development of the proposed hotel and Travel Center, the commercial center would accommodate the hospitality needs of visitors to the City, as well as travelers along the I-10 and contribute to the long-term economic vitality of the City by generating sales and transient bed tax revenue.

The industrial part of SUNSET CROSSROADS spreads across 392.0 acres of the site, providing a Maximum Building Square Footage of 5,545,000 square feet of space for manufacturing, storage, warehouse, and various other uses. Due to the site's proximity to the Interstate 10 Sunset Avenue interchange, the SUNSET CROSSROADS Specific Plan is particularly well-suited for warehousing and distribution operations, as well as other industrial uses.

With access to the existing major transportation network, SUNSET CROSSROADS establishes a premier location and atmosphere designed to attract economic investment to this part of the City while also creating substantial employment

[1] The hotel's approximate square footage is not included in the Maximum Building Square Footage 268,400 square feet.

opportunities for City residents. For local residents, employment opportunities close to home mean reduced or eliminated commutes, and an improved quality of life. The high-quality design of SUNSET CROSSROADS includes amenities for employees and visitors, such as parks, recreation-based businesses, a sidewalk system, and outdoor gathering areas.

This SUNSET CROSSROADS Specific Plan includes a detailed Circulation Plan organized to ensure efficient access to individual tenant, open space, and "back of house" areas. Direct access from the I-10 to the Specific Plan circulation system is provided via Sunset Avenue. Lincoln Street provides access to the commercial area and Industrial uses within Planning Area 7. Future Sun Lakes Boulevard Extension (SLB Extension) and Bobcat Road provide access to the Industrial uses. Highland Home Road along the Specific Plan's western boundary provides connection to the SLB Extension and secondary access to Planning Area 7.

The three natural drainage courses, Smith Creek, Pershing Creek, and Highland Wash, totaling 40.5 acres which traverse the SUNSET CROSSROADS Specific Plan site from northwest to southeast (Planning Areas 13 through 19), are designated Open Space – Resource and will remain undisturbed except for required road and infrastructure crossings. In addition, the 12.5 acres of Open Space – Resource in Planning Area 12 and the 12.6 acres of Open Space – Parks in Planning Area 11, combined with the right of way of Highland Home Road buffers the site's industrial development from the Sun Lakes community to the west. Planning Area 11 is designated Open Space-Parks and includes a 5.0-acre public park developed with a tot-lot, picnic tables, restrooms and walking trails, while the remainder of the 12.6-acre site is reserved for Open Space and trails. Planning Area 12 establishes 12.5 acres designated Open Space – Resource, which may include a 2.3-acre Reverse Osmosis Facility Site, Fire Station Site, and pedestrian trails. Additionally, to reduce the effect of its industrial uses on the existing residential community to the west, a minimum 100-foot-wide open space buffer is required between industrial buildings in PA 7 and the western project boundary. The City may construct an electrical substation at the northwest corner of PA 7, which would be exempt from the 100-foot setback requirement.

The physical arrangement of Land uses, acreages, Planning Areas and the major roadways within the SUNSET CROSSROADS Specific Plan are depicted in the SUNSET CROSSROADS Land Use Plan (Figure 2-1, *Land Use Plan).* Table 2-1, *Land Use Statistical Summary*, lists each Planning Area by land use type on the Land Use Plan and provides the General Plan Land Use Designation and acreage for each Planning Area and the overall Maximum Building Square Footage for each General Plan Land Use Designation. Refer to Chapter 3, *Development Standards,* and the Infrastructure Improvement Standards in Chapter 2 for the Specific Plan Land Use and Implementation Regulations applicable to each Planning Area. Project Implementation information is contained in Chapter 5, Implementation Plan.

Table 2-1 Land Use Plan Statistical Summary

PA	LAND USE DESIGNATION	ACRES	MAXIMUM BUILDING SQUARE FOOTAGE[1]
1	GENERAL COMMERCIAL	*47.9*	268,400 [2, 3]
2	INDUSTRIAL	33.8	*5,545,000*
3	INDUSTRIAL	7.8	
4	INDUSTRIAL	194.3	
5	INDUSTRIAL	66.3	
6	INDUSTRIAL	28.1	
7	INDUSTRIAL	25.8	
8	INDUSTRIAL	16.2	
9	INDUSTRIAL	3.3	
10	INDUSTRIAL	16.4	
	INDUSTRIAL SUBTOTAL	*392.0*	
	DEVELOPMENT TOTAL	*439.9*	*5,813,400*
11	OPEN SPACE - PARKS	*12.6*	N/A
12	OPEN SPACE - RESOURCE	12.5	
13	OPEN SPACE - RESOURCE	7.5	
14	OPEN SPACE - RESOURCE	7.1	
15	OPEN SPACE - RESOURCE	6.0	
16	OPEN SPACE - RESOURCE	4.8	
17	OPEN SPACE - RESOURCE	4.1	
18	OPEN SPACE - RESOURCE	3.3	
19	OPEN SPACE - RESOURCE	7.7	
	OPEN SPACE - RESOURCE SUBTOTAL	*53.0*	
	OPEN SPACE TOTAL	*65.6*	
	CIRCULATION	*28.3*	
	PROJECT TOTAL	*533.8[4]*	*5,813,400*

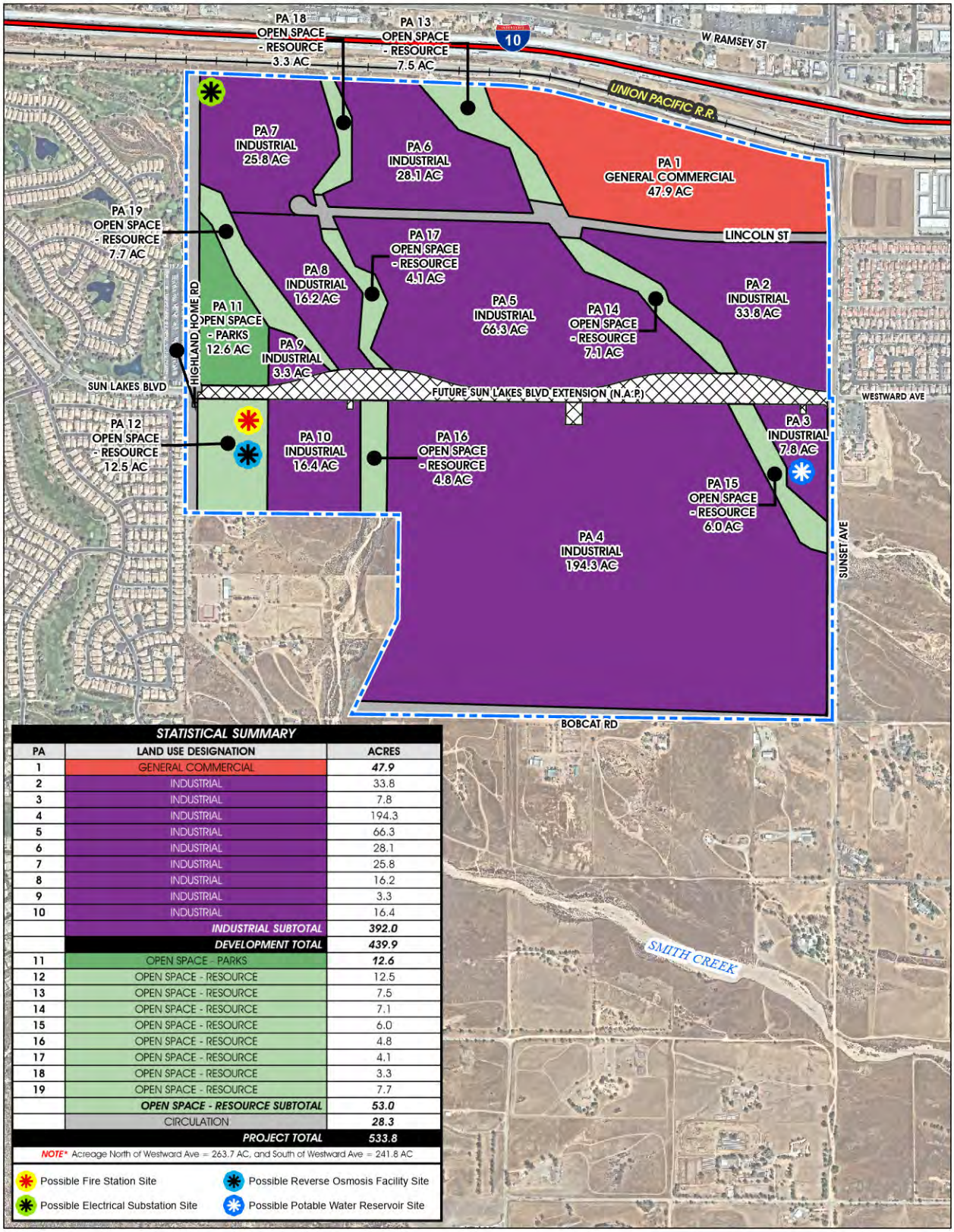
Notes:

[1] Maximum Building Square Footage is a combined total for each Land Use Designation and is not calculated on a Planning Area-by-Planning Area basis. Maximum Building Square Footage is defined as the total square footage of all floors in structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof.

[2] Planning Area 1 is anticipated to include a 125-room limited-service hotel (approximately 90,000 square feet). The 90,000 square feet of hotel use is not counted as part of the General Commercial's 268,400 Maximum Building Square Footage. With the hotel's approximately 90,000 square feet, the approximate total square footage in Planning Area 1 would be 358,400 square feet. The total square footage of Planning Area 1 excludes the fuel pump area and the hotel square footage (approximately 90,000 square feet) because the project's traffic analysis for the commercial site estimates traffic based on square footage, while the traffic analysis for hotels is based on the number of rooms.

[3] Buildings associated with the Travel Center are included in the maximum 268,400 square feet, but fuel pump areas are not.

[4] Excludes the approximately 21-acre easement for the Sun Lakes Boulevard Extension.



STATISTICAL SUMMARY		
PA	LAND USE DESIGNATION	ACRES
1	GENERAL COMMERCIAL	***47.9***
2	INDUSTRIAL	33.8
3	INDUSTRIAL	7.8
4	INDUSTRIAL	194.3
5	INDUSTRIAL	66.3
6	INDUSTRIAL	28.1
7	INDUSTRIAL	25.8
8	INDUSTRIAL	16.2
9	INDUSTRIAL	3.3
10	INDUSTRIAL	16.4
	INDUSTRIAL SUBTOTAL	***392.0***
	DEVELOPMENT TOTAL	***439.9***
11	OPEN SPACE - PARKS	***12.6***
12	OPEN SPACE - RESOURCE	12.5
13	OPEN SPACE - RESOURCE	7.5
14	OPEN SPACE - RESOURCE	7.1
15	OPEN SPACE - RESOURCE	6.0
16	OPEN SPACE - RESOURCE	4.8
17	OPEN SPACE - RESOURCE	4.1
18	OPEN SPACE - RESOURCE	3.3
19	OPEN SPACE - RESOURCE	7.7
	OPEN SPACE - RESOURCE SUBTOTAL	***53.0***
	CIRCULATION	***28.3***
	PROJECT TOTAL	***533.8***

*NOTE** Acreage North of Westward Ave = 263.7 AC, and South of Westward Ave = 241.8 AC

Possible Fire Station Site
Possible Electrical Substation Site
Possible Reverse Osmosis Facility Site
Possible Potable Water Reservoir Site

Source(s): NearMap Imagery (2022), RCTLMA (2021)
Composite: Proactive Engineering Consultants West (01-05-2023)

FIGURE 2-1

0 300 600 1,200
Feet

2.1.2. LAND USE SUMMARY

This Specific Plan Land Use Plan establishes four (4) General Plan Land Use Designations: General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resource (OS-R). The SUNSET CROSSROADS Specific Plan is divided into 19 "Planning Areas," precise geographic areas to which identified Development Standards (Chapter 3), Design Guidelines (Chapter 4) and Implementation Regulations (Chapter 5), are uniformly applied.

The SUNSET CROSSROADS Specific Plan provides for a maximum building space of approximately 5,813,400 square feet and establishes: General Commercial uses on 47.9 acres with a Maximum Building Square Footage of 268,4000 square feet of building space (excluding approximately 90,000 square feet of hotel), Industrial uses on approximately 392.0 acres with a Maximum Building Square Footage of 5,545,000 square feet of building space, and 65.4 acres of Open Space land uses including 12.6 acres of Open Space – Parks and 53.0 acres of Open Space – Resource, which facilitate the existing natural drainage of the site, and 28.3 acres of Circulation.

2.1.3. GENERAL COMMERCIAL (GC) – 47.9 ACRES

Planning Area 1 is an approximately 47.9-acre district permitting a wide range of commercial uses, which may include leisure, retail, medical office, professional office, education, wellness, recreation, entertainment restaurant and other retail uses along with a freeway accessible 125-room hotel and a complete Travel Center including retail and convenience sales, a drive-through fast food restaurant, 20 vehicle fueling stations and commercial fueling stations.

SUNSET CROSSROADS is designed to be a regional commercial and entertainment attraction, providing multi-generational destinations such as activity and wellness-based retail uses including but not limited to stationary wave surfing, indoor skydiving, indoor go-karting, obstacle gyms, and a large indoor/outdoor climbing wall, yoga studios, dance studios and other athletic activities. Sit-down restaurants (with patio areas), a food hall and specialty retail uses that will orient inwards to central open space areas would allow for outdoor activities (i.e., walking paths, grass areas, outdoor displays, benches) or could be used by on-site vendors/concessionaires and as connections between uses along with an internal system of pedestrian walkways. Because the buildings in the commercial and industrial areas of the Development Site will be leased to third parties, the Specific Plan provides for a range of allowable uses. Therefore, while the uses described above may be developed under the Specific Plan, the Specific Plan does not require these uses to be implemented and any of the commercial land uses listed in Table 3-1 are consistent with the Specific Plan and allowed uses so long as the City determines that the environmental impacts of such uses do not increase the project's environmental impacts evaluated in the Sunset Crossroads Specific Plan EIR or supplemental environmental analysis is performed as required by CEQA. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses in this Planning Area is provided in Chapter 3, Development Standards. In addition to providing a unique location for the intended leisure, hospitality, and recreational activities, the General Commercial uses within Planning Area 1 provide increased employment opportunities for the City's residents, improves the City's jobs-to-housing balance, and may reduce residents' commute times, while the addition of retail, recreation commercial, and travel and hospitality uses and other permitted uses contribute to the City's sales tax base.



The Implementation Regulations and Design Guidelines set forth in this Specific Plan require buildings in Planning Area 1 to be arranged and designed in a contemporary, pedestrian friendly manner, so that the buildings are inviting and softened by pedestrian scale components and landscape design.

2.1.4. INDUSTRIAL (LI) – 392.0 ACRES

Planning Areas 2 through 10 provide for development of a Maximum Building Square Footage of 5,450,000 square feet of industrial land uses within approximately 392.0 acres within. The acreages for Planning Areas 2 through 10 are provided on Table 2-1, *Land Use Plan Statistical Summary*. The Specific Plan will take advantage of its proximity to the Sunset Avenue interchange at I-10 to facilitate the development of warehousing, distribution, manufacturing and other industrial uses such as general light industrial, manufacturing, parcel hub, warehouse/storage, truck/trailer parking and storage, RV storage, high cube warehouse, cold storage, cold storage warehouse, fulfillment center, and e-commerce operations. To accommodate future tenants, the Specific Plan allows the size of individual buildings to vary within an established range (increasing or decreasing by up to 20%) however, the overall square footage of buildings in the industrial Planning Areas are capped at 5.545 million square feet. Direct access to the proposed industrial uses is provided from Sunset Avenue via Lincoln Street and a variety of internal driveways, Highland Home Road, the SLB Extension, and Bobcat Road (upon completion of the Future Sunset Avenue Bridge). Bobcat Road may be required for secondary access or fire access at earlier project phases.

The Industrial building sites within the Development Project may include outdoor employee break areas with tables affixed to the ground to provide employees with a location to eat, gather, and enjoy being outside. Shading of these areas may be achieved through a combination of shade trees, umbrellas, or man-made shade structures. Other recreational amenities within the Industrial areas may include pedestrian walkways, seating areas, overhead structures, and open space areas. Development of the Industrial Planning Areas shall be subject to the applicable Infrastructure Improvement Standards, Development Standards and Planning Area Standards set forth in the Specific Plan.

Because the buildings in the industrial areas of the Development Site will be leased to third parties, it is not possible to specifically define the uses at this time and therefore the Specific Plan provides for a range of allowable uses. Therefore, while the uses described above may be developed under the Specific Plan, the Specific Plan does not require these uses to be implemented and any of the industrial land uses listed in Table 3-1 are consistent with the Specific Plan and allowed uses so long as the City determines either that such uses do not increase the project's environmental impacts evaluated in the Sunset Crossroads Specific Plan EIR (or in additional supplemental environmental analysis previously performed by the City) or the City performs supplemental analysis as required by CEQA. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses in Planning Areas 2-10 are provided in Chapter 3, Development Standards, of the Specific Plan.

2.1.5. PUBLIC FACILITIES

SUNSET CROSSROADS provides location for a 1.0-acre Electrical Substation Site in the northwest corner of Planning Area 7, a 2.3-acre Reverse Osmosis Facility Site and Future Fire Station Site in Planning Area 12, and a Potable Water Reservoir Site in Planning Area 3.

2.1.6. PLANNING AREA 11 OPEN SPACE-PARKS (OS-P) – 12.6 ACRES

Planning Area 11 designates 12.6 acres of Open Space-Parks located at the northeast corner of Highland Home Road and the SLB Extension, including a 5.0-acre passive public park, with the remainder of the 12.6-acre site is reserved for Open Space and trails. As illustrated on Figure 4-4, *Conceptual Park Plan (PA 11),* the park may provide recreational amenities including, but not limited to a tot lot playground, picnic tables, walking paths, parking, and restrooms, parking lot and security lighting. Open field areas are provided next to the playground and picnic tables, along with a looped walking path which winds through the recreational area surrounded by trees and landscaping.

2.1.7. PLANNING AREA 12 OPEN SPACE-RESOURCE (OS-R) – 12.5 ACRES

Approximately 12.5 acres of the site (Planning Area 12) are reserved for passive open space uses which may include trails. Planning Area 12 may also include a 2.3-acre Reverse Osmosis Facility Site and a Future Fire Station Site. No other development is permitted in Planning Area 12.

2.1.8. PLANNING AREAS 13-19 OPEN SPACE-RESOURCE (OS-R) – 40.5 ACRES

Approximately 40.5 acres of the site (Planning Areas 13 through 19) contain three (3) existing natural drainage watercourses, Smith Creek, Pershing Creek, and Highland Wash, which traverse the Specific Plan in a northwesterly to southeasterly direction. To preserve these areas, they are designated Open Space – Resource and no development or land uses are permitted, except those activities required to cross these areas with roads (Lincoln Street, Highland Home Road) and utilities.

2.2. CIRCULATION PLAN

The SUNSET CROSSROADS Circulation Plan provides direct, safe, and convenient access for visitors, employees, and goods to and from the Specific Plan through a safe and efficient network of roadways.

The project is situated in close proximity to the regional transportation network which connects the site to the Ports of Long Beach and Los Angeles, both major gateways for international trade, the Inland Empire and Coachella Valley, and the Western United States. As illustrated on Figure 2-2, *Conceptual Circulation Plan*, regional access to SUNSET CROSSROADS is provided via I-10 from the Sunset Avenue interchange located approximately ¼ mile to the northeast of the Specific Plan. The site is approximately 3.5 miles east of the junction of CA-60 Freeway and Interstate 10 and approximately 22 miles east of Interstate 215. Primary local access to the SUNSET CROSSROADS Specific Plan from the north and south is provided via Sunset Avenue which forms the site's eastern boundary. Additional access is provided by Bobcat Road which forms the site's southern boundary and from Highland Home Road, which forms the site's western boundary.

Sunset Avenue will provide access to the entire site via Lincoln Street and the SLB Extension. Access to Planning Area 1 is provided by Lincoln Street. Direct access to Planning Areas, 2, 3, and 4 is provided by Sunset Avenue. Access to Planning Areas 6, and 7 is provided from the south by Lincoln Street. Access to Planning Areas 2, 5, and 8 is provided from the north by Lincoln Street and by the SLB Extension to the south. Planning Areas 9 and 10 have access from the SLB Extension. Planning Areas 11 and 12 are accessible from the SLB Extension. Access to Planning Area 4 relies on the combination of Sunset Avenue (south of PA 15) and Bobcat Road, or the combination of Sun Lakes Boulevard Extension and Bobcat Road to achieve the required two points of access, and may not be developable until two points of access are available. The land within SLB Extension is subject to an existing or future right of way easement in favor of the City and will become City right-of-way upon Annexation of the southern portion of the site into the City, and is excluded from the Specific Plan regulations (Not A Part). The SLB Extension will incorporate the current right-of-way of Westward Avenue. Construction of the SLB Extension is under the control of the City and could be constructed by the City or by third parties designated by the City as a separate project.

1. Sunset Avenue (Interstate 10 to Lincoln Street) – Arterial Highway (110' ROW)

As depicted on Figure 2-2, *Conceptual Circulation Plan,* the primary access point for SUNSET CROSSROADS is Sunset Avenue, which connects the site to the regional transportation network. The segment of Sunset Avenue between Interstate 10 and the SLB Extension is designated by the City General Plan as an Arterial Highway (110' ROW) and forms the project's eastern boundary. As shown in Figure 2-3, *Conceptual Roadway Cross-Sections,* the 110-foot of right of way comprising Sunset Avenue consists of 68 feet of paving, an 18-foot-wide center raised or painted median, with a 4-foot-wide landscaped parkway and 8-foot-wide parkway-adjacent sidewalk on the west side of the street, and an 8-foot-wide curb-adjacent sidewalk and 4-foot-wide landscaped parkway on the east side of the street. An eight-foot-wide Class II bike lane is provided on both sides of the paving, adjacent to the curb. As a result of the westward shift in alignment of Sunset Avenue between Lincoln Street and SLB Extension, the alignment in this location will also shift to the west from the existing centerline.

2. Sunset Avenue (Lincoln Street to SLB Extension) – Modified Secondary Highway (110' ROW)

As depicted on Figure 2-2, *Conceptual Circulation Plan*, the segment of Sunset Avenue between Lincoln Street and the SLB Extension is designated as a Modified Secondary Highway (110' ROW). As shown in Figure 2-3, *Conceptual Roadway Cross-Sections,* the 110-foot of right of way comprising Sunset Avenue consists of 68 feet of paving, an 18-foot-wide center raised or painted median, with a 4-foot-wide landscaped parkway and 8-foot-wide parkway-adjacent sidewalk on the west side of the street, and a 4-foot-wide parkway and 8-foot-wide parkway-adjacent sidewalk on the east side of the street. An eight-foot-wide Class II bike lane is provided on both sides of the paving, adjacent to the curb. To address traffic noise impacts along Sunset Avenue, the alignment of this portion of Sunset Avenue is shifted to the west from its previously proposed location to provide additional distance from sensitive receptors east of Sunset Avenue. More specifically, the centerline of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard would be adjusted 42 feet to the west from the existing centerline with implementation of the Development Project, new centerline being 72 ft from the nearest residential property line and 115 ft from the school at the MSJC Site. The resulting 17 feet of excess right of way to the east may be landscaped.

3. Sunset Avenue (SLB Extension to Bobcat Road) – Secondary Highway (88' ROW)

As depicted on Figure 2-2, *Conceptual Circulation Plan*, the segment of Sunset Avenue between the SLB Extension and Bobcat Road is designated by the City General Plan as a Secondary Highway (88' ROW). As shown in Figure 2-3, *Conceptual Roadway Cross-Sections,* the 88-foot of right of way comprising Sunset Avenue consists of 64 feet of paving with a 4-foot-wide landscaped parkway and 8-foot-wide parkway-adjacent sidewalk provided on both sides of the street. As a result of the westward shift in alignment of Sunset Avenue between Lincoln Street and SLB Extension, the alignment in this location will also shift to the west from the existing centerline.

4. Bobcat Road – Divided Collector Street (78' ROW)

As depicted on Figure 2-2, *Conceptual Circulation Plan*, Bobcat Road is designated as a Divided Collector Street (78' ROW) and forms the project's southern boundary along the south side of Planning Area 4. As shown in Figure 2-3, *Conceptual Roadway Cross-Sections*, the 78-foot of right of way comprising Bobcat Road consists of 56 feet of paving with a 6-foot-wide landscaped parkway and a 5-foot-wide parkway-adjacent sidewalk on the south side of the street, and a 6-foot-wide curb-adjacent sidewalk and 5-foot-wide landscaped parkway on the north side of the street. The Specific Plan and future applications submitted within this Specific Plan will dedicate and construct the northern half-width plus 10' improvements of Bobcat Road along the project frontage.

To address the potential for impacts to residences on the other side of Bobcat Road from on-site Development Project operations, on-site project operations are revised to require:

1. Cold storage equipment previously allowed on industrial building rooftops will be shielded or relocated to the ground floor; and

2. Construction of 10 ft high "wing walls" on the south end of warehouse buildings in Planning Area 4, and 6 ft high walls that surround the automobile parking lots south of warehouse buildings in Planning Area 4 as depicted in the SoundPLAN printouts in Attachment A to the Supplemental Noise Analysis (Final EIR, Appendix I-2, Attachment A).

5. Lincoln Street – Divided Collector Street (78' ROW)

As depicted on Figure 2-2, *Conceptual Circulation Plan,* Lincoln Street is designated as a Divided Collector Street (78' ROW) within the project, providing access to the project site from Sunset Avenue. As shown in Figure 2-3, *Conceptual Roadway Cross-Sections*, the 78-foot of right of way comprising Lincoln Street consists of 56 feet of paving with a 6-foot-wide landscaped parkway and 5-foot-wide parkway-adjacent sidewalk on the south side of the street and a 6-foot-wide curb-adjacent sidewalk and 5-foot-wide landscaped parkway on the north side of the street. An eight-foot-wide Class II bike lane is provided on both sides of the paving, adjacent to the curb. The Specific Plan and future applications submitted within this Specific Plan will construct full-width improvements along the length of Lincoln Street on the project site. Lincoln Street will cross two existing natural drain courses via box culverts to be constructed by the project and maintained by the City. In Planning Area 7, a 24'-wide Secondary Access Connection will link Lincoln Street to Highland Home Road via a private roadway.

6. Highland Home Road (north of SLB Extension)– Modified Secondary Highway (66' ROW)

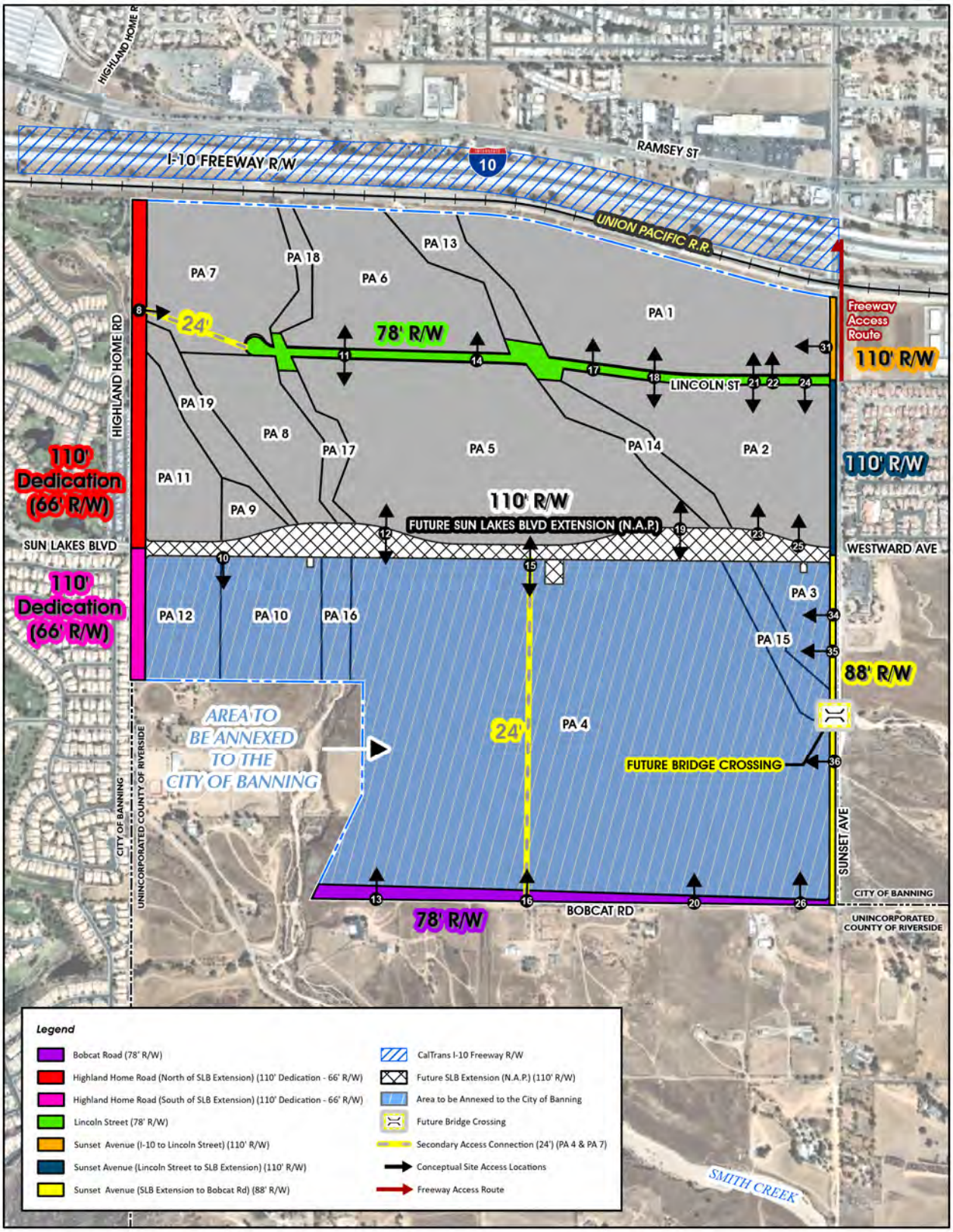
As depicted on Figure 2-2, *Conceptual Circulation Plan*, the segment of Highland Home Road north of the SLB Extension is designated as a Modified Secondary Highway (66' ROW) within the project. Highland Home Road forms a portion of the Specific Plan's western boundary. As shown in Figure 2-3, *Conceptual Roadway Cross-Sections*, Highland Home Road consists of a 66-foot of right of way within a 110-foot dedication. The Specific Plan and future applications submitted within this Specific Plan will dedicate the full 110-foot width of Highland Home Road as from the existing eastern property boundary of the Sun Lakes community. The Specific Plan will construct the full width (66 feet) of Highland Home Road with a 5-foot-wide curb-adjacent sidewalk, a 6-foot-wide landscaped parkway, and 44 feet of paving along the western boundary of the right of way, from the SLB Extension to Planning Area 7, where it will terminate in a cul-de-sac and provide secondary access to Planning Area 7 via a 24' wide Secondary Access Connection.

7. Highland Home Road (south of SLB Extension)– Modified Collector Street (66' ROW)

As depicted on Figure 2-2, *Conceptual Circulation Plan*, the segment of Highland Home Road south of the SLB Extension is designated as a Modified Collector Street (66' ROW) within the project. Highland Home Road forms a portion of the Specific Plan's western boundary. As shown in Figure 2-3, *Conceptual Roadway Cross-Sections*, Highland Home Road consists of a 66-foot right of way within a 110-foot dedication. The Specific Plan and future applications submitted within this Specific Plan will dedicate the full 110-foot width of Highland Home Road from the existing eastern property boundary of the Sun Lakes community. The Specific Plan will construct the remaining half-width (33 feet) of Highland Home Road including a 5-foot Class III bikeway, a 6-foot-wide curb-adjacent sidewalk, and a 5-foot-wide landscaped parkway to complete the road section based on existing curb location adjacent to the Sun Lakes Community, from the southwest corner of PA 12 to the SLB Extension. Truck traffic shall be restricted on Highland Home Road south of the SLB Extension.

2.2.1. CIRCULATION IMPROVEMENT STANDARDS

1. The on-site system depicted on Figure 2-2, *Conceptual Circulation Plan,* shall serve as the preliminary roadway plan for implementing development.
2. Roadway alignments, designations, widths identified in the Specific Plan are subject to detailed engineering review and approval by the City Engineer and must comply with all conditions of approval of the Specific Plan and any Subdivision Map(s).
3. The Developer applying for an application submitted within this Specific Plan (Design Review or Conditional Use Permit) shall install traffic control measures per the recommendations of the project's Traffic Study or participate in the phased construction of traffic signals as determined by the City Engineer.
4. Driveways and access point locations, as shown in this Specific Plan, are conceptual until approved by the City Engineer (if necessary) and shall conform to the City's standard intersection spacing and access spacing, depending upon the street's classification.
5. Sight distances shall be reviewed by the City Engineer in conjunction with the preparation of grading, landscaping, and street improvement plans. This review shall ensure that setbacks allow for clear unobstructed sight distances at intersections.
6. Landscape requirements in roadway rights-of-way shall generally be in accordance with the Roadway Landscape Treatments as depicted in Chapter 4.
7. Landscaping within public road rights-of-way will require approval by the City of Banning and will be maintained by the Property Owner via a Property Owners' Association or similar mechanism.
8. All applicable Transportation Uniform Mitigation Fees (TUMF) shall be paid in accordance with Chapter 15.76 of the City of Banning Zoning Ordinance (Western Riverside County Transportation Uniform Mitigation Fee Program). The transfer of TUMF credits between Planning Areas and their respective owners is permitted by this Specific Plan.
9. Construction of the SLB Extension is a City Project, and the SUNSET CROSSROADS project is not required to construct the SLB Extension. The Developer of Sunset Crossroads may, at their own discretion, and subject to one or more agreements with City, construct all or a portion of the SLB Extension.
10. A detailed Traffic Impact Analysis shall be prepared for the project. Recommendations for intersection configurations, traffic control devices, or roadway segment and lane requirements within the property or adjacent frontage shall be the full responsibility of the project. However, fair share contributions shall be permissible for offsite improvements.
11. All mitigations identified in the project EIR/MMRP shall be complied with.
12. Street and utility infrastructure shall be installed such that future phases of work do not require trenching in new roadways. A pavement moratorium of 5 years will be implemented on all facilities accepted for maintenance by the City of Banning. If additional work for the project is required in existing roadways, the applicant will fully grind and overlay the entire roadway cross section.

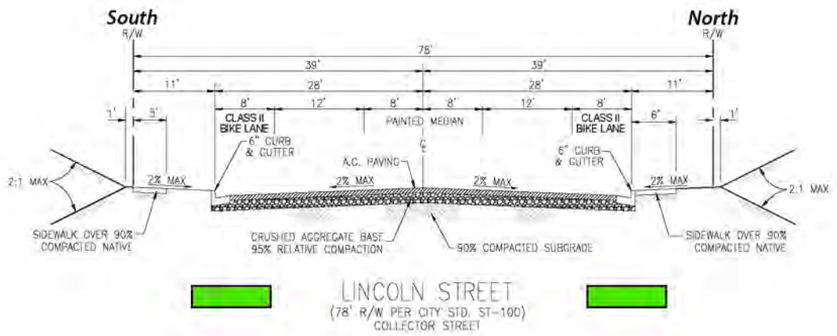


Source(s): ESRI, Nearmap (2022), RCTLMA (2021) Proactive Engineering Consultants (10-19-2022)

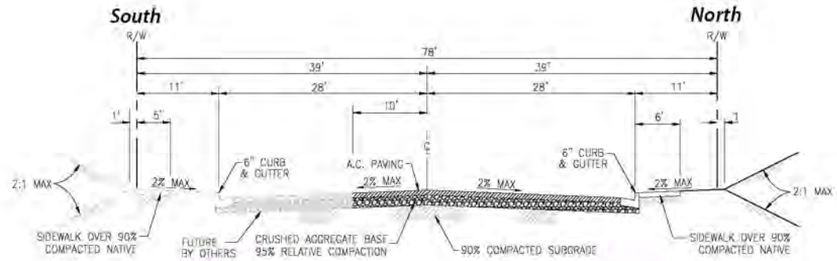
FIGURE 2-2

0 275 550 1,100 Feet

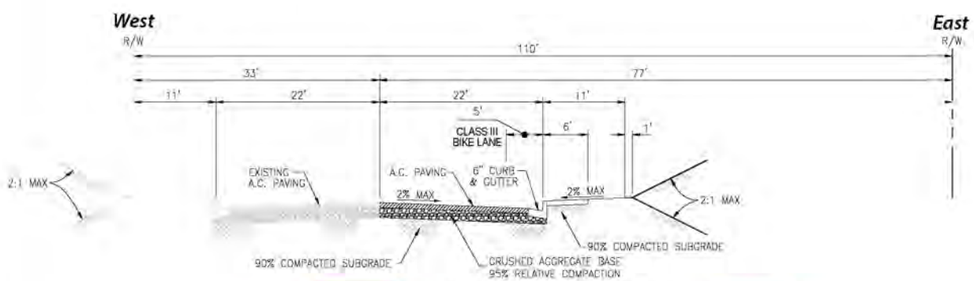
Conceptual Circulation Plan



LINCOLN STREET
(78' R/W PER CITY STD. ST-100)
COLLECTOR STREET

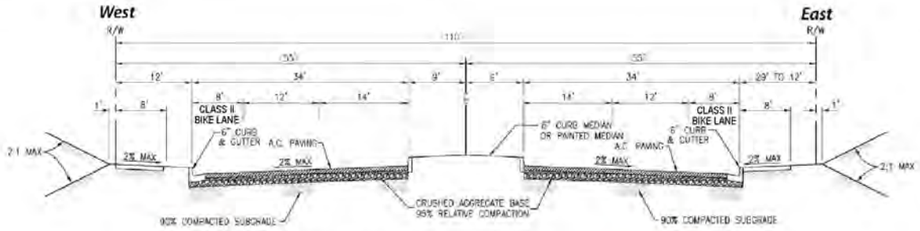


BOBCAT ROAD
(78' R/W PER CITY STD. ST-100)
COLLECTOR STREET

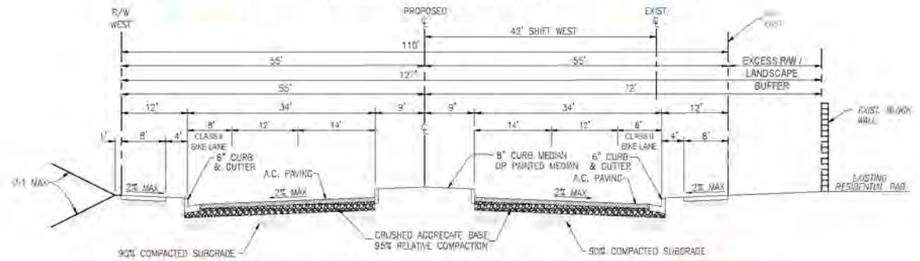


HIGHLAND HOME ROAD
(SOUTH OF SLB EXTENSION)
MODIFIED COLLECTOR STREET (110' R/W)

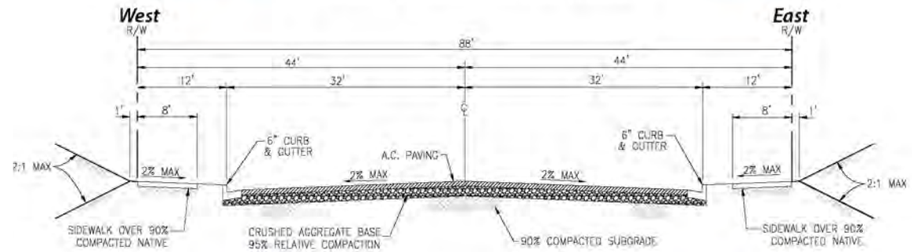
Note: Future Sun Lakes Blvd Extension is dedicated public right of way andwill be constructed and maintained by the City of Banning.



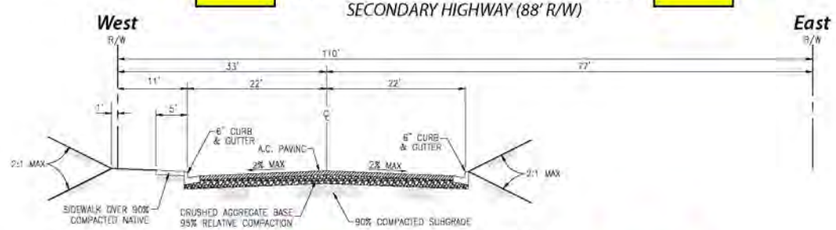
SUNSET AVE (I-10 TO LINCOLN STREET)
ARTERIAL HIGHWAY (110' R/W)



SUNSET AVE (LINCOLN STREET TO SUN LAKES BLVD)
MODIFIED SECONDARY HIGHWAY (110' R/W)



SUNSET AVE (SOUTH OF SUN LAKES BLVD)
SECONDARY HIGHWAY (88' R/W)



HIGHLAND HOME ROAD
(NORTH OF SLB EXTENSION)
MODIFIED SECONDARY HIGHWAY (110' R/W)

Source(s): Proactive Engineering Consultants (11-16-2022, 05-01-2024)

FIGURE 2-3

Not to Scale

2.3. POTABLE WATER PLAN

Adequate potable water service infrastructure is provided for SUNSET CROSSROADS using existing, planned and proposed potable water facilities. The Specific Plan is subject to the design requirements of the City of Banning Public Works Department and the demand criteria guidelines outlined in the City's Integrated Master Plan (IMP).

As shown on Figure 2-4, existing potable water lines within Pressure Zone 2721 exist in Sunset Avenue (24") and in the right-of-way of the future SLB Extension (18"). The proposed Potable Water Plan creates a looped system to serve the project site by constructing the following proposed improvements as depicted in *Figure 2-4, Conceptual Potable Water Plan,* and include the following improvements:

- A proposed 8" water line located in Lincoln Street and within Planning Area 7 to serve the Industrial and General Commercial uses located north of the SLB Extension. This proposed 8" water line connects to the existing 24" water line located in Sunset Avenue and to the proposed 8" water line in Highland Home Road.
- A proposed 8" water line located in Highland Home Road from the 18" water line located in the SLB Extension to the vicinity of the potential Electrical Substation in Planning Area 7, with a connection to the proposed 8" line in Lincoln, forming a looped system.
- A proposed 8" water line located in Bobcat Road with a point of connection to the proposed 8" line in Sunset Avenue.
- Proposed 8" water line located within Planning Area 4 to connect the existing 18" water line in the SLB Extension to the proposed 8' water line in Bobcat Road.

The locations, alignments, and sizes of facilities shown on Figure 2-4 are conceptual. Precise locations, alignments and sizes of potable water facilities will be determined at Specific Plan implementation. The locations, alignments, and sizes of facilities identified in this document may change, subject to the approval of City of Banning. Modifications to the alignments, locations, and sizes of facilities shown in the Specific Plan which are reviewed and approved by the City Engineer as part of the review and approval of an applications submitted within this Specific Plan, do not require modifications to the Specific Plan document.

2.3.1. POTABLE WATER IMPROVEMENT STANDARDS

(1) All Potable Water lines shall be placed underground.

(2) All Potable Water lines and facilities shall be designed in accordance with the requirements of the City of Banning.

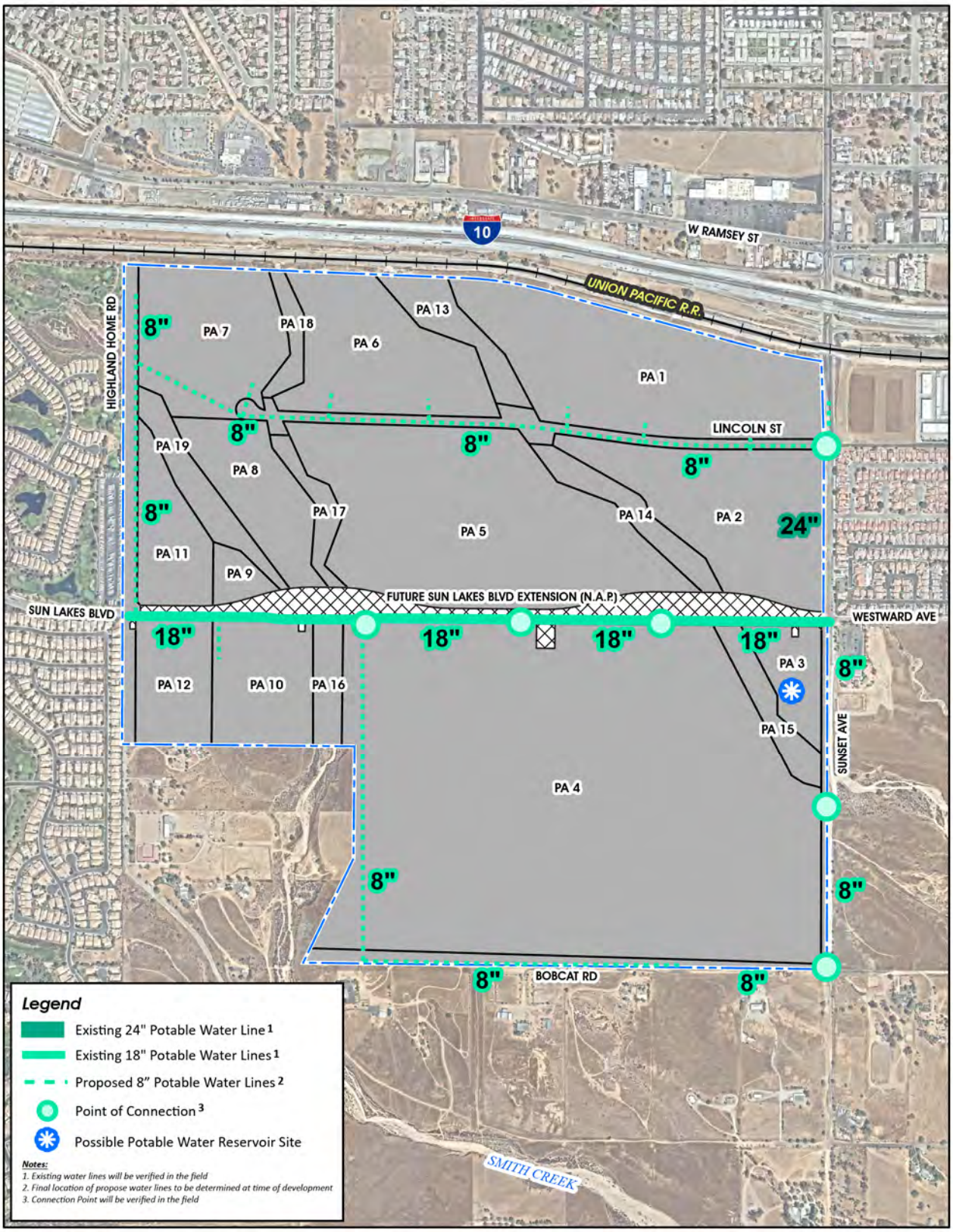
(3) The Specific Plan's Potable Water distribution system shall provide adequate flows for fire protection in accordance with requirements of the Riverside County Fire Department.

(4) Proposed Potable Water facilities to be maintained by the City of Banning shall be placed within public utility easements or public rights-of-way, which shall include rights for the City of Banning.

(5) The Potable Water infrastructure system shall be installed to the requirements of the City of Banning.

(6) Construction of potable water lines should be linked to the construction of each phase of development. Installation of potable water lines should be linked to the construction of roadways in which the lines are located, and the need to service individual applications submitted within this Specific Plan as they come online.

(7) Applicant will provide to the City of Banning a potable water reservoir site within Planning Area 3 at a predetermined elevation. Site shall be provided to accommodate a 1.5 million gallon potable water reservoir, and reviewed by the City Engineer prior to dedication and acceptance.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023)

FIGURE 2-4

0 275 550 1,100 Feet

Conceptual Potable Water Plan

2.4. RECYCLED WATER PLAN

The SUNSET CROSSROADS Specific Plan is served by a recycled water system consisting of existing, planned and proposed recycled water lines. The Specific Plan recycled water system is subject to the design requirements for the City of Banning Public Works Department and the demand criteria guidelines outlined in the City's Integrated Master Plan (IMP).

As depicted in Figure 2-5, a 24" recycled water line exists in Sunset Avenue from Lincoln Street to the SLB Extension and a 24" recycled water line exists within the SLB Extension easement area. Future non-potable Well R1 on Westward Avenue near the City's wastewater treatment facility plant will be the source for the SUNSET CROSSROADS project site, once completed. The well and its respective facilities are in design and under construction. The proposed recycled water facilities required to serve the Specific Plan are depicted in *Figure 2-5, Conceptual Recycled Water Plan* and include the following improvements:

- A proposed 8" recycled water line in Lincoln Street connects to the existing 24" recycled water line in Sunset Avenue and services the development north of the SLB Extension.
- A proposed 16" recycled water line in Sunset Avenue (between Bobcat and the SLB Extension) connects to the existing 24" line in the SLB Extension.
- Development south of the SLB Extension would connect to the existing 24" recycled water line in the SLB Extension or the proposed 16" line in Sunset Avenue.

The locations, alignments, and sizes of facilities shown on Figure 2-5 are conceptual. Precise locations, alignments and sizes of recycled water facilities will be determined at Specific Plan implementation. The locations, alignments and sizes of facilities identified in this document may change, subject to the approval of City of Banning. Modifications to the alignments, locations, and sizes of facilities shown in the Specific Plan which are reviewed and approved by the City Engineer as part of the review and approval of an application submitted within this Specific Plan, do not require modifications to the Specific Plan document.

2.4.1. RECYCLED WATER IMPROVEMENT STANDARDS

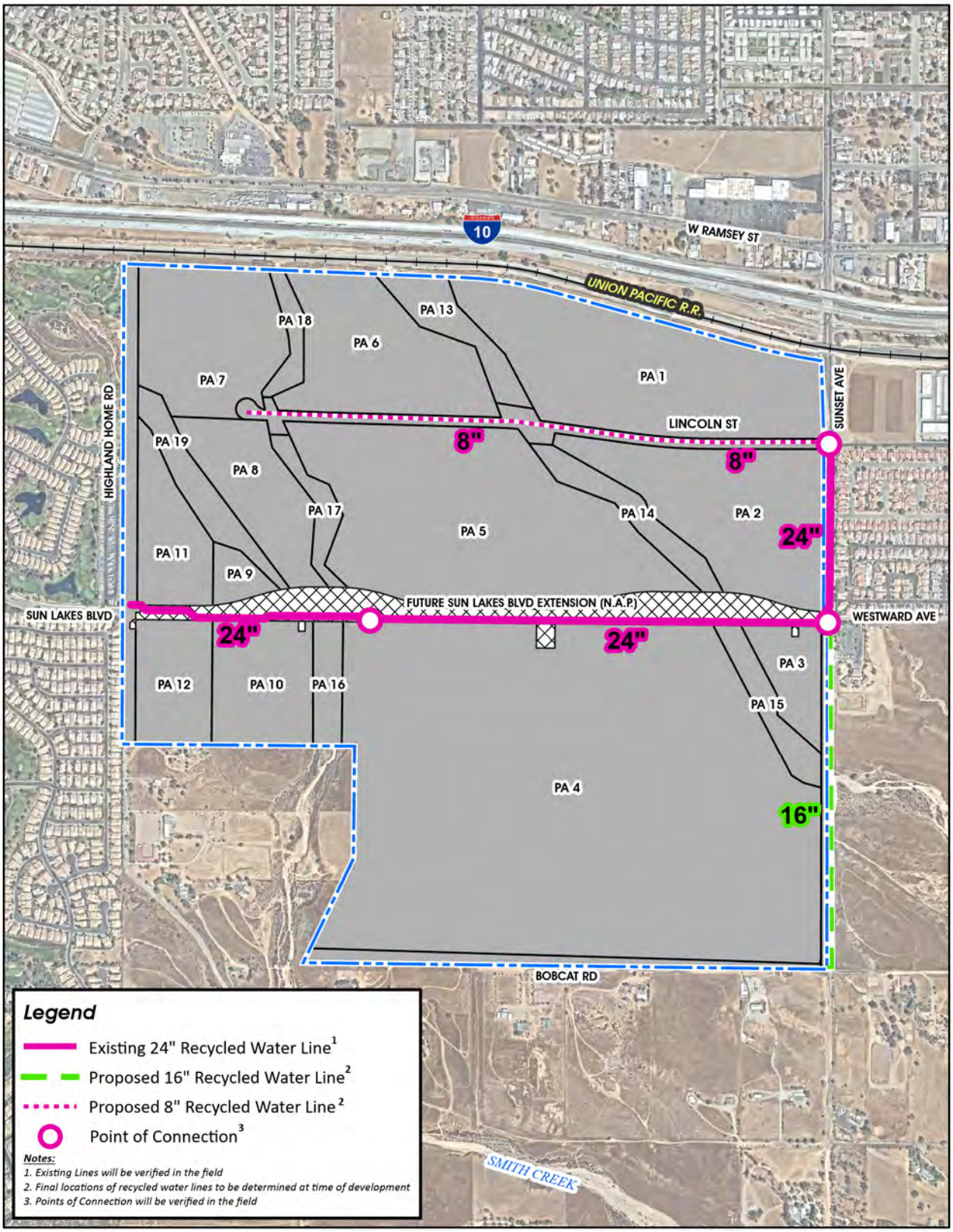
(1) All Recycled Water lines shall be placed underground.

(2) All Recycled Water lines and facilities shall be designed in accordance with the requirements of the City of Banning.

(3) Proposed Recycled Water facilities to be maintained by the City of Banning shall be placed within public utility easements or public rights-of-way which shall include rights for the City of Banning.

(4) The Recycled Water infrastructure system shall be installed to the requirements of the City of Banning.

(5) Construction of recycled water lines shall be linked to the construction of each phase of development. Installation of recycled water lines shall be linked to the construction of roadways in which the lines are located, and the need to service individual applications submitted within this Specific Plan as they come online.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023)

FIGURE 2-5

0 275 550 1,100 Feet

Conceptual Recycled Water Plan

2.5. SEWER PLAN

The SUNSET CROSSROADS Specific Plan is served by a sewer system consisting of existing, planned and proposed sewer lines. The Specific Plan is subject to the design requirements for the City of Banning Public Works Department and the demand criteria guidelines outlined in the City's Integrated Master Plan (IMP).

As depicted on Figure 2-6, sewer lines exist in the SLB Extension (12") and along the westside Planning Areas 13 and 14 (15"). The existing 12" sewer line in the SLB Extension flows until it reaches the SLB Extension Lift Station, where wastewater is conveyed through an existing 10" force main toward the existing manhole at the intersection of Sunset Avenue and the SLB Extension. The proposed sewer system facilities required to serve the Specific Plan are depicted in Figure 2-6, Conceptual Sewer Plan and include the following improvements:

- A proposed 8" gravity sewer line connects to a proposed 12" gravity sewer line within Lincoln Street
- A proposed 12" gravity sewer line along Sunset Avenue from Lincoln Street to just south of the SLB Extension, connects to the existing sewer system at the existing manhole at the intersection of Sunset Avenue and the SLB Extension. There is no connection between this proposed line and the existing 15" line along Planning Areas 13 and 14.
- Development in the Planning Areas north of Lincoln Street, and Planning Areas 2 and 3 connect to the proposed 8" and 12" lines in Lincoln Street.
- Development in Planning Area 5 will connect to the existing 15" line along the western boundary of Planning Areas 13 and 14.
- Development in Planning Areas south of the SLB Extension will connect to the existing 12" line in the SLB Extension.

The locations, alignments, and sizes of facilities shown on Figure 2-6 are conceptual. Precise locations, alignments, and sizes of sewer facilities will be determined at Specific Plan implementation. The locations, alignments, and sizes of facilities identified in this document may change, subject to the approval of City of Banning. Modifications to the alignments, locations, and sizes of facilities shown in the Specific Plan which are reviewed and approved by the City Engineer as part of the review and approval of an application within this Specific Plan, do not require modifications to the Specific Plan document.

2.5.1. SEWER IMPROVEMENT STANDARDS

(1) All sewer lines shall be placed underground.

(2) All sewer lines and facilities shall be designed in accordance with the requirements of the City of Banning.

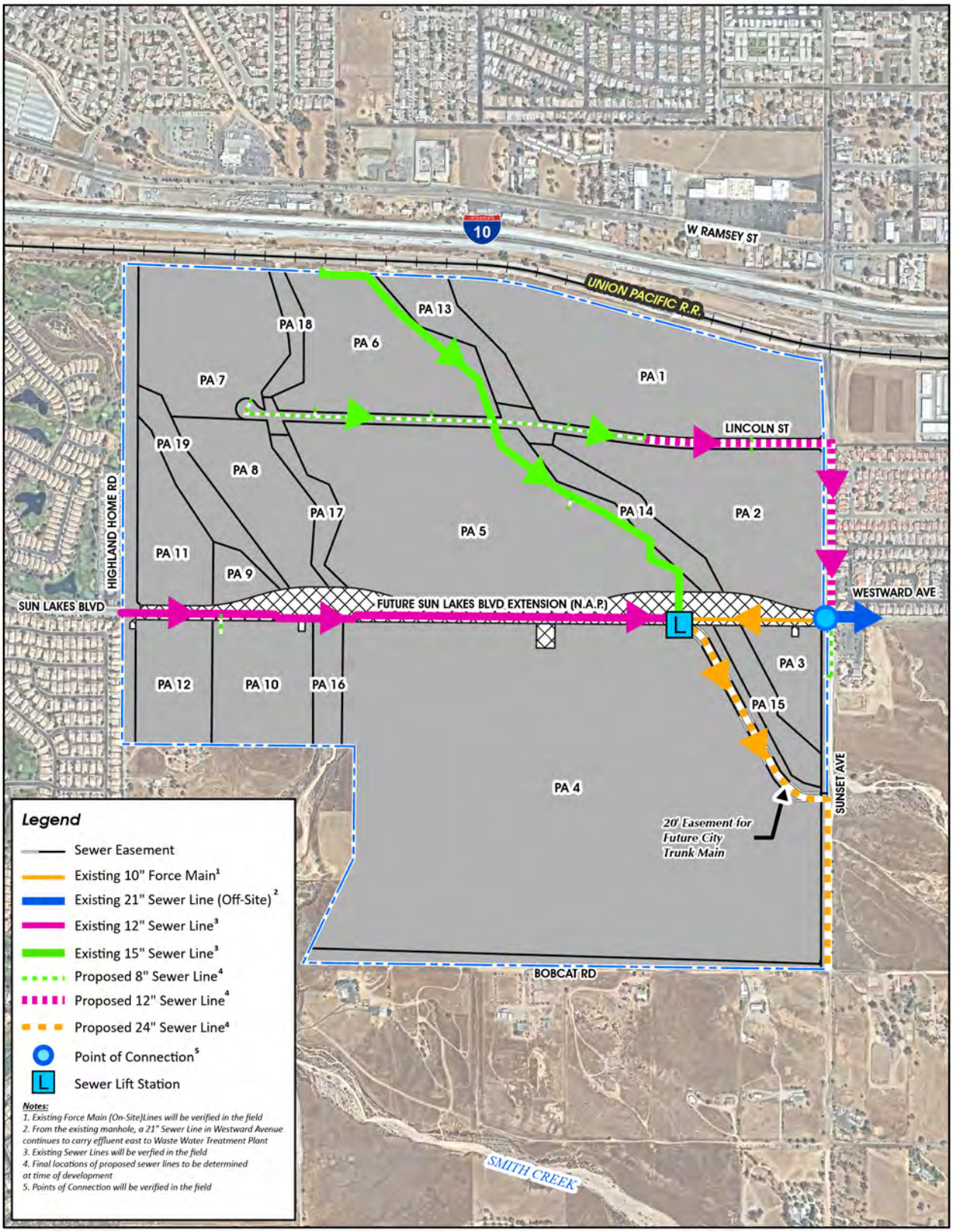
(3) All new sewer facilities to be maintained by the City of Banning shall be placed within public utility easements or public rights-of way-which shall include rights for the City of Banning.

(4) The sewer infrastructure system shall be installed to the requirements of the City of Banning.

(5) Construction of sewer lines shall be linked to the construction of each phase of development. Installation of sewer lines shall be linked to the construction of roadways in which the lines are located, and the need to service individual application within this Specific Plan as they come online.

(6) Prior to issuance of first occupancy permit, project shall demonstrate that adequate sewer capacity exists to serve the project.

(7) City of Banning master plans identify the future removal of the Westward Lift Station and replacement of that facility with a sewer trunk main through an easement in Planning Area 4 for the eventual connection to an off-site new sewer trunk main (by others). The project shall design and install a portion of the dry sewer trunk main to allow for this eventual conversion. If the off-site downstream trunk main is installed (by others) prior to the project being completed, the project shall abandon the lift station and connect to the new trunk main.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023)

FIGURE 2-6

0 275 550 1,100 Feet

2.6. DRAINAGE AND WATER QUALITY PLAN

SUNSET CROSSROADS lies within the San Gorgonio Pass sub-basin in the northwest region of the Whitewater River Watershed. The SUNSET CROSSROADS Specific Plan is located within a grassland valley, with three natural drainage courses traversing the site. The project is subject to a local land use authority onsite retention standard (required by the Riverside County Flood Control & Water Conservation District per the Riverside County Watershed Protection Program for the Whitewater Region), which requires that the project retain 100% of the 100-year, 3-hour storm event. Planning Areas have been established in recognition of the natural drainage course in the eastern portion of the site in Planning Areas 13, 14, and 15 and the western drainage courses in Planning Areas 16, 17, 18, and 19 and have been designated for Open Space – Resource and restricted from development. The natural drainage courses flow northwest to southeast through the Specific Plan area. The 100-year flood zone continues along the entire flow path of the three existing drainage courses within the Specific Plan. No portion of the site is to be developed within a FEMA mapped Flood Plain.

The existing drainage courses include off-site areas north of I-10 which begin in the San Bernardino Mountains and flow south under Interstate 10 and the Union Pacific Railroad by an existing 8'x7' arch box culvert and existing 12'x10' arch box culvert, and outlets southerly to the existing drainage courses, where the SUNSET CROSSROADS Specific Plan is located. The western natural drainage course is comprised of two drainage channels, Smith Creek and Highland Wash, in the northern half of the project that confluence near the SLB Extension. The eastern natural drainage course, Pershing Creek, flows from the middle center of the northern boundary of the site. All natural drainage courses eventually confluence outside of the project limits, and these natural drainages continue to flow east until they confluence with the San Gorgonio River and ultimately join the Whitewater River.

As shown on Figure 2-7, *Conceptual Drainage and Water Quality Plan,* the proposed drainage system will consist of storm drainpipes, reinforced concrete pipes (RCP) ranging in size from 12" to 42", and fifteen (15) Water Quality Management Plan basins on-site:

- Two basins in Planning Area 2;
- One basin in Planning Area 3;
- Five basins in Planning Area 4;
- Three basins in Planning Area 5;
- One basin in Planning Area 6;
- One basin in Planning Area 7;
- One basin in Planning Area 8; and
- One basin in Planning Area 10

The drainage system routes the runoff from the proposed impervious surfaces to these proposed stormwater treatment and mitigation basins and each basin provides stormwater treatment and peak flow mitigation for their respective tributaries via RCP facilities.

Two (2) 10' x 10' reinforced concrete box (RCB) facilities are proposed for the bridge crossings at Lincoln Street to preserve the existing natural drainage courses of the site.

The SUNSET CROSSROADS Specific Plan is subject to a local land use authority onsite retention requirement per the Riverside County Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development. The project shall implement LID principles per County standards throughout the site for storm water treatment and mitigation. Flood protection facilities will be designed in accordance with the requirements of the Riverside County Flood Control and Water Conservation District (RCFCWCD) and with adequate access easements and facilities provided. The location and size of facilities identified in this document may change, subject to the approval of the RCFCWCD.

The locations, alignments, and sizes of facilities shown in Figure 2-7 are conceptual. Precise locations, alignments, and sizes of drainage facilities will be determined at Specific Plan implementation. The locations, alignments, and sizes of facilities identified in this document may change, subject to the approval of City of Banning. Modifications to the alignments, locations, and sizes of facilities shown in the Specific Plan which are reviewed and approved by the City Engineer as part of the review and approval of an application within this Specific Plan do not require modifications to the Specific Plan document.

2.6.1. DRAINAGE AND WATER QUALITY IMPROVEMENT STANDARDS

(1) All drainage and storm drain facilities shall be maintained by the City of Banning, Master Property Owners' Association, and/or other maintenance entity (pursuant to Table 5-1, *Maintenance Responsibilities*). All water quality and detention basins will be maintained by Master Property Owners' Association, Property Owners' Association, and/or Sub-Association.

(2) All public storm drains greater than 36" in diameter and structures proposed for maintenance by Riverside County Flood Control and Water Conservation District (RCFCWCD) shall be designed and constructed to RCFCWCD standards. All plan sets related to any RCFCWCD facilities shall be reviewed, checked, and approved by said District prior the recordation of the applicable final map.

(3) Drainage, storm drain, and flood control facilities and improvements shall be provided in accordance with City of Banning requirements to provide protection against flood hazard risks resulting from a 100-year storm event.

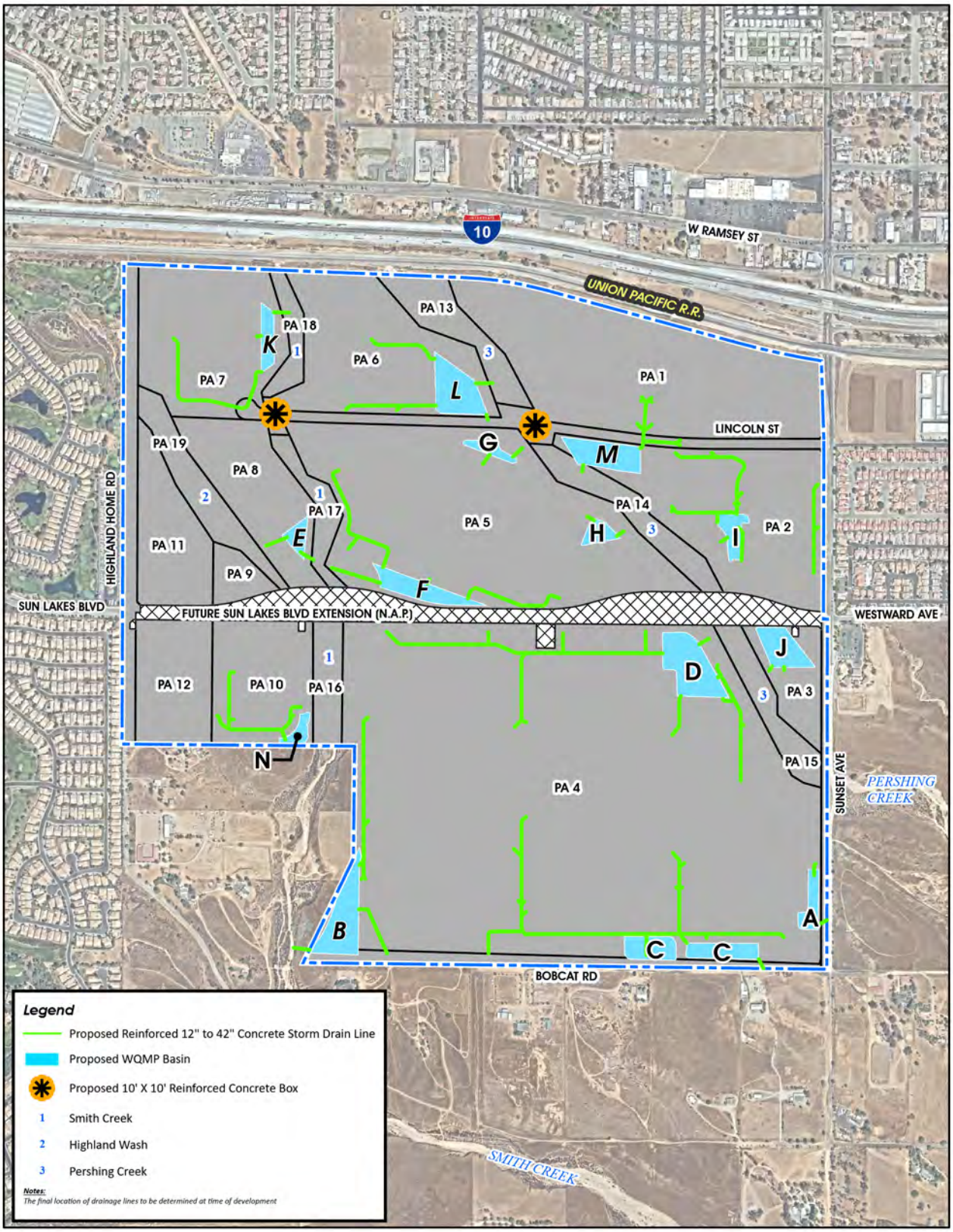
(4) A National Pollutant Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) shall be obtained prior to the commencement of construction and operational activities. The permits will require the Developer to implement source control and structural best management practices (BMPs) during and after construction activities. The City will be responsible for enforcing implementation of the BMPs.

(5) This Specific Plan and future application submitted within this Specific Plan shall comply with the Water Quality Control Plan of the Regional Water Quality Control Board, Santa Ana Region.

(6) Construction of drainage and storm drain facilities shall be linked to the construction of each phase of development. Installation of drainage and storm drain facilities shall be linked to the construction of roadways in which the lines are located, and the need to service individual applications submitted within this Specific Plan as they come online.

(7) All wildlife and conservation agency permits are the responsibility of the project and shall be provided to the City of Banning prior to the issuance of any grading permit in each phase in which wildlife or agency permits are required.

(8) Phased projects shall comply with drainage and water quality standards in effect at the time permits are requested.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023)

FIGURE 2-7

0 275 550 1,100 Feet

Conceptual Drainage and Water Quality Plan

2.7. GRADING PLAN

The SUNSET CROSSROADS Specific Plan is located within a grassland valley, with three natural drainage courses traversing the site in Planning Areas 13, 14, and 15 on the east and Planning Area 16, 17, 18, and 19 on the west. The conceptual grading design provides an overall balanced earthwork condition with approximately 2,266,112 cubic yards (CY) of cut and approximately 2,118,698 CY of fill. The grading of the Specific Plan is anticipated to occur in two (2) phases: 1) north of SLB Extension, and 2) south of SLB Extension. No import or exporting of earthwork is anticipated, however, earthwork may be transferred between the two (2) grading phases.

No project associated grading is proposed in Planning Areas 13 through 19, except for grading required for the construction of Lincoln Street. Other than passive open space areas, which may include trails, a Reverse Osmosis Facility Site, and/or a potential future fire station, no other grading or development is anticipated for Planning Area 12. All other Planning Areas will be graded to accommodate large generally flat pads suitable for building, park, and parking construction.

The proposed grading will result in elevations ranging from approximately 2,515 feet above mean sea level (MSL) in the northwest portion of the Specific Plan in Planning Area 7 to 2,415 feet above MSL at the bottom of a basin in the southwest portion of the Specific Plan in Planning Area 4. Grading construction will be done consistent with the recommendations of a Geotechnical Engineer and the City of Banning.

2.7.1. GRADING IMPROVEMENT STANDARDS

(1) All grading activities shall conform to the City of Banning standards, and the California Building Code.

(2) Grading of the Specific Plan may occur in one (1) phase, or in sub-phases, provided that adequate infrastructure and access is available to serve the Specific Plan.

(3) Site grading, retaining wall design and construction shall be done consistent with the recommendations of a Geotechnical Engineer and the City of Banning Building and Safety Department.

(4) Contour grading, slope rounding, and land forming shall be used, as appropriate and practical, to grade roadways and edge conditions into natural configurations consistent with the natural topography of the site.

(5) A project-specific Master Grading Plan, and individual grading plans and stockpile/ borrow site plans for Planning Areas or phases shall govern such activity.

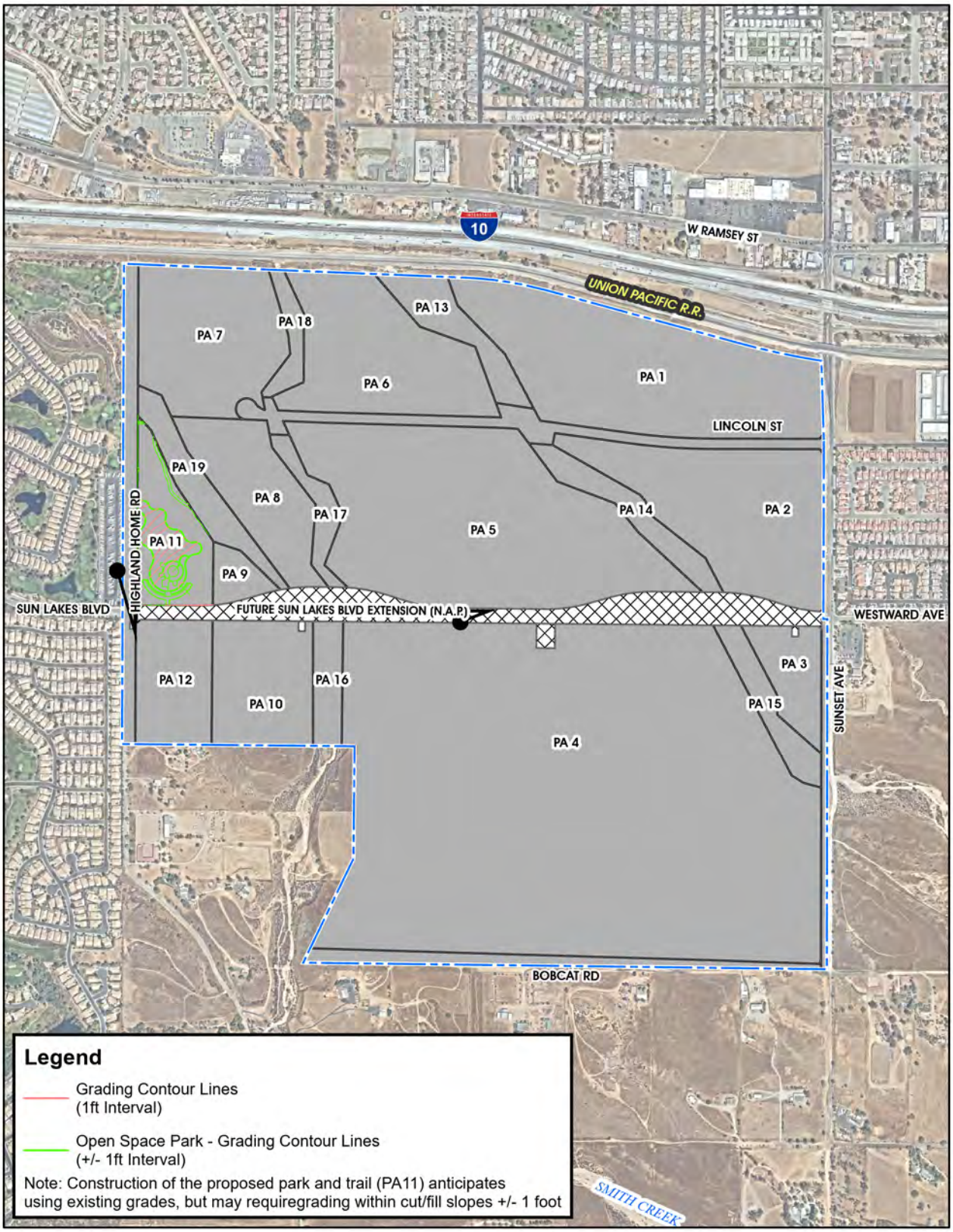
(6) Prior to initial grading activities, a detailed soils report and geotechnical study for portions of the site anticipated to be graded shall be prepared to analyze on-site soil conditions and slope stability and will include appropriate measures to control erosion and dust during construction.

(7) A grading permit shall be obtained from the City of Banning, as required by City Ordinance No. 18.01.040, prior to grading.

(8) Pursuant to the requirements of the State Water Resources Control Board, a state-wide general National Pollution Discharge Elimination System (NPDES) construction permit will apply to all project construction activities involving clearing, grading or excavation that disturbs at least 5 acres or activity which is part of a larger common plan of development of five (5) acres or greater.

(9) Applicant shall provide permits to the City from all affected wildlife and conservation agencies prior to the issuance of any grading permit in each phase in which wildlife or agency permits are required.

(10) All grading shall comply with mitigation measures identified in the EIR/MMRP.

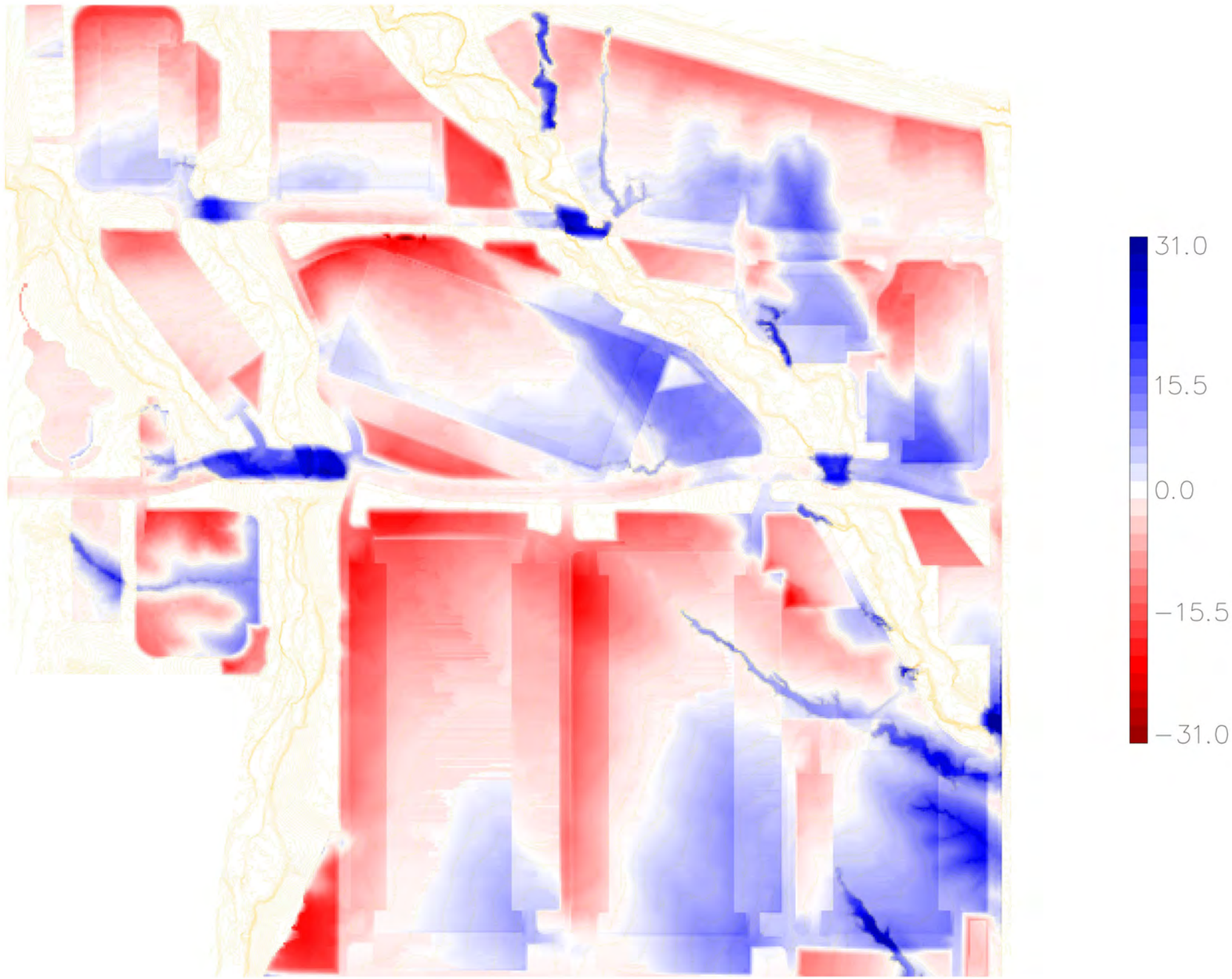


Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (January 2023)

FIGURE 2-8

0 275 550 1,100 Feet

Conceptual Grading Plan



Source(s): Proactive Engineering Consultants (07-27-2022)

FIGURE 2-9

Not to Scale

Conceptual Cut-Fill Map

2.8. OPEN SPACE PLAN



A central element of the SUNSET CROSSROADS Specific Plan is the approximately 12.6 acres of Open Space – Parks and 53.0 acres of Open Space - Resource (*see Figure 2-1, Land Use Plan*). Approximately 53.0 acres (Planning Areas 12 through 19) are designated as Open Space-Resource in order to preserve the three existing natural drainage courses. No grading is proposed in Planning Areas 13 through 19, except for grading required for the construction of Lincoln Street. Planning Area 12 provides an open space buffer between the Specific Plan and the existing Sun Lakes community to the west and includes open space areas which may include trails, as well as locations for a Reverse Osmosis Facility Site and a future Fire Station site.

Approximately 12.6 acres in Planning Area 11 are designated as Open Space-Parks to offer the City of Banning and its residents a 5.0-acre public passive park which may include a tot lot, playground, picnic tables, and trail system that will connect to trails in the remaining 7.6 acres of open space, providing an open space buffer between the industrial uses and the existing Sun Lakes community to the west.



Passive recreational opportunities are provided to employees and visitors of SUNSET CROSSROADS through curb-adjacent sidewalks, pedestrian paths, and trails within Planning Areas 11 and 12. These amenities encourage and enhance pedestrian activity throughout SUNSET CROSSROADS. Provisions for sidewalks and pedestrian walkways, bicycle parking facilities, and employee and visitor gathering areas interior to the planning areas are set forth in Chapter 4, *Design Guidelines.*

In addition, to encourage social interaction, the Industrial and General Commercial building sites within SUNSET CROSSROADS may include outdoor employee break areas with tables affixed to the ground to provide employees with a location to eat, gather, and enjoy being outside. Shading of these areas may be achieved through a combination of shade trees, umbrellas, or man-made shade structures. Other recreational amenities within the Industrial and General Commercial areas may include, but are not limited to, pedestrian walkways, seating areas, overhead structures, and open space areas. No Class I or Class II Bike Lanes are anticipated for the Specific Plan, however, Class III Bike Lanes which are unstriped may be utilized by riders along public roadways.

2.8.1. OPEN SPACE IMPROVEMENT STANDARDS

1. Gathering areas, and landscaping within private roads and driveways will be the responsibility of a Master Property Owners' Association, Property Owners' Association, or Sub-Association.
2. The 5.0-acre public passive park and landscaping within public rights-of-way will be the responsibility of the City of Banning.
3. All gathering areas will be landscaped and, where necessary, irrigated in a manner that is conducive to the type of plant material and landscape setting.
4. Landscaping within gathering areas shall be further governed by Chapter 4, *Design Guidelines,* of this Specific Plan.
5. Landscaping within gathering areas and park areas shall conform to the standards set forth by the City of Banning.

2.9. FIRE PROTECTION PLAN

C A Fire Protection Plan (FPP) dated July 2022 has been prepared by Dudek, evaluates and identifies the potential fire risk associated with the Project's land uses and identifies requirements for water supply, fuel modification and defensible space, access, building ignition and fire resistance, and fire protection systems, among other pertinent fire protection criteria, including a proposed development plan for the Project site described below. The purpose of this FPP is to generate and memorialize the fire safety requirements and standards of the Riverside County Fire Department (RCFD), which is the contracted fire department for the City of Banning, along with Project-specific measures based on the Project site, its intended use, and its fire environment, including both the proposed development plan and any modifications to buildings permitted pursuant to the Specific Plan. This section summarizes portions of the FPP prepared by Dudek, which should be consulted for the full analysis.

While the Specific Plan is located in a wildland-urban interface (WUI) setting, it is not located in an area statutorily designated as a Moderate, High or Very High Fire Hazard Severity Zone (FHSZ) within a Local Responsibility Area (LRA) or State Responsibility Area (SRA) by the California Department of Forestry and Fire Protection (CAL FIRE FRAP 2008) or Riverside County; rather, the Project site is designated as Non-VHFHSZ.[2] As the Project is not located within an area statutorily mapped as a fire hazard severity zone, the Project is not required to adhere to the ignition resistant construction requirements of California Building Code, Chapter 7A. However, the construction type for this Project would be substantially compliant with Chapter 7A including the building roofs, which will not include the Class A system of materials, but will comply with section 1505.1.2 as roof assemblies will be Class C at a minimum as required. Since the roof material assembly will meet the Class C non-combustible assembly requirements, it meets code and is also consistent with Chapter 7A of the Building Code.

The developed portion of the Project site is proposed for improvements that include construction of up to 5,545,000 square feet of industrial development on approximately 392.0 acres and up to 268,400 square feet of commercial uses, including Travel Center retail uses, a gasoline and diesel fueling facility and a hotel with 125 rooms comprised of approximately 90,000 square feet in an approximately 47.9-acre area on the Project site. Although the Project site is not designated as a FHSZ, due to its proximity to areas identified as Wildland Urban Interface (WUI), the entire Project site has been designed with fire protection as a key objective. The Project site improvements are designed to facilitate emergency apparatus and personnel access throughout the Project site. Driveway and road improvements with fire apparatus turnarounds provide access to the sides of every building. Water availability and flow will be consistent with requirements including fire flow and hydrant distribution required by local and state codes. These features along with the ignition resistance of all buildings, the interior sprinklers, and the pre-planning, training and awareness will assist responding firefighters through prevention, protection, and suppression capabilities.

As determined during the analysis of the Project site and its fire environment, in its current condition, the Project site may include characteristics that, under favorable weather conditions, could have the potential to facilitate fire spread. Under extreme conditions, wind-driven wildfires from nearby undeveloped land could cast embers onto the property. Once the Project is built, the on-site fire potential will be much lower than its current condition due to conversion of fire facilitating wildland fuels to ignition resistant buildings, parking areas, managed landscapes, fuel modification areas, improved accessibility for fire personnel, and structures built to the latest ignition and ember resistant fire codes.

As detailed in the FPP, the fire protection systems recommended for the Project site will include a redundant layering of protection methods that have proven to reduce overall fire risk. The requirements and recommendations included

[2] Per the CAL FIRE FRAP map for Banning, the portion of the Project site north of Westward Rd is designated as Non-VHFHSZ in a LRA (adjacent lands north, northeast and west of the Project site share this designation). The southern portion of the Project site is in an SRA; however, is not designated as a FHSZ (adjacent lands east and south are designated as High and Very High FHSZ in an SRA). Per Riverside County GIS, the entire site is neither Moderate, High nor Very High FHSZ.

herein are performance based and site–specific, considering the Project's unique characteristics rather than a prescriptive, one-size-fits-all approach. The fire protection systems are designed to increase occupant and building safety, reduce the fire risk on site, to minimize risks associated with typical uses, and aid the responding firefighters during an emergency. No singular measure is intended to be relied upon for the Project site's fire protection, but rather, a system of fire protection measures, methods, and features combine to result in enhanced fire safety, reduced fire potential, and improved safety in the development.

Early evacuation for any type of wildfire emergency at the Project is the preferred method of providing for occupant and business safety, consistent with the Owner's and the RCFD current approach for evacuation. As such, the Project's Owner and Property Management Company will formally adopt, practice, and implement a "Ready, Set, Go!" (Riverside County Fire Department 2020) approach to site evacuation. The "Ready, Set, Go!" concept is widely known and encouraged by the State of California and most fire agencies, including; Pre-planning for emergencies, including wildfire emergencies, focuses on being prepared, having a well-defined plan, minimizing potential for errors, maintaining the site's fire protection systems, and implementing a conservative (evacuate as early as possible) approach to evacuation and site uses during periods of fire weather extremes.

2.9.1. FIRE PROTECTION IMPROVEMENT STANDARDS

The following Fire Protection Plan Improvement Standards and implementation measures are based on the analysis and findings of the Dudek Fire Protection Plan dated July, 200 and shall be provided as part of development plan for each application submitted within this Specific Plan:

1. All development within the SUNSET CROSSROADS Specific Plan shall be constructed consistent with the applicable portions of the Fire Protection Plan (FPP) dated July 2022 prepared by Dudek.
2. Project buildings to be constructed of ignition resistant1 construction materials common for this type of concrete product and to include automatic fire sprinkler systems based on the latest adopted Building and Fire Codes for occupancy types.
3. Fuel Modification will be provided around the perimeter of the on-site structures, and should typically be 100 feet wide, though there are a few areas where 100-feet is not achievable as detailed herein. Additionally, an extended fuel modification width will be provided around many structures due to the hardscape landscape design.
4. For any Planning Area in which the square footage or footprint of a proposed building has been modified from that described in this fire protection plan, the applicant shall submit and the RCFD shall have approved the revised fire protection plan for the Planning Area, consistent with Item 9, below.
5. Landscape plantings should not utilize plants listed on Appendix E of the FPP dated July 2022 (prohibited plants) which are prohibited because they have been found to be highly flammable.
6. Fire apparatus access roads (i.e., public and private streets) will be provided throughout the development and will vary in width and configuration, but will all provide at least the minimum required unobstructed travel lanes, lengths, turnouts, turnarounds, and clearances required by applicable codes. Primary access and internal circulation will comply with the requirements of the RCFD.
7. Buildings will be equipped with automatic commercial fire sprinkler systems meeting RCFD requirements.
8. The Project shall demonstrate provision of water capacity and delivery for a reliable water source for operations and during emergencies requiring extended fire flow.
9. Should future iterations of the Project's site plan result in buildings that do not achieve a minimum of 100 feet of defensible space, then alternative materials and methods may be proposed to provide the functional equivalency of a full 100 feet of defensible space. Alternative materials and methods will be to the satisfaction of the RCFD and may include structural hardening enhancements or landscape features, like non-combustible walls. The following measures shall be established in the CC&Rs for the Project and implemented by the Property Management Company. Annual maintenance should occur before May 1st of each year and inspected by RCFD or an approved third party.
10. On-going maintenance of all fuel modification will be managed by Owner's, Property Management Company, or another approved entity, at least annually or as needed. 10. The Property Owner's or Property Management Company, will provide business owners informational brochures at time of occupancy, which should include an outreach and educational role to ensure fire safety measures detailed in the Dudek FPP dated July 2022, have been implemented and prepare development-wide "Ready, Set, Go!" plans.

DEVELOPMENT STANDARDS

3

CHAPTER THREE establishes the Specific Plan's Implementation Regulations, comprised of the General Development Criteria, Permitted, Conditional, Ancillary, and Prohibited Uses, Development Standards, and Planning Area Standards.



3.1 GENERAL DEVELOPMENT CRITERIA

3.2 PERMITTED, CONDITIONALLY PERMITTED, ANCILLARY AND PROHIBITED USES

3.3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS

3.4 INDUSTRIAL DEVELOPMENT STANDARDS

3.5 PLANNING AREA STANDARDS

CHAPTER 3 | DEVELOPMENT STANDARDS

This section establishes certain of the Implementation Regulations for each Planning Area in the SUNSET CROSSROADS Specific Plan. The Implementation Regulations provided herein work in concert with the architecture and landscape design guidelines set forth in Chapter 4, *Design Guidelines*, to achieve the desired vision for SUNSET CROSSROADS. This chapter shall apply to all Subdivision Maps, Design Reviews, Conditional Use Permits, and any other action requiring administrative or discretionary approval for implementation of the SUNSET CROSSROADS Specific Plan.

Section 3.1 provides General Development Criteria for the entire Specific Plan area to ensure the orderly, efficient and coordinated development of the SUNSET CROSSROADS SPECIFIC PLAN. *Table 3-1 Permitted Uses* establishes the land uses and review procedures consistent with the vision, goals, and intent, for the General Commercial, Industrial and Open Space land uses within the Specific Plan. The Development Standards presented in Sections 3.3 and 3.4 and included in Tables 3-2 and Table 3-3, identify the criteria affecting the development of the General Commercial and Industrial Planning Areas, respectively. The Planning Area Standards in Section 3.5 for each Planning Area reference the relevant Figures that depict desired architecture and landscaping elements contained throughout this Specific Plan for each Planning Area. The Planning Area Figures (Figures 3-1 through 3-6) presented in this section are derived from the Specific Plan Land Use Plan for SUNSET CROSSROADS (Figure 2-1, *Land Use Plan)*.

Planning Areas within the SUNSET CROSSROADS Specific Plan were formed on the basis of logical separate areas of land use and development to ensure that implementation of the Industrial, General Commercial, and Open Space land uses are consistent with the quality of development and vision of City of Banning for SUNSET CROSSROADS.

3.1. GENERAL DEVELOPMENT CRITERIA

To ensure the orderly and sensitive development of the SUNSET CROSSROADS Specific Plan area, the following General Development Criteria apply to the entire Specific Plan area and augment the more location-specific Development Standards and Planning Area Standards provided elsewhere in Chapter 3. The Specific Plan-wide General Development Criteria are as follows:

1. The SUNSET CROSSROADS Specific Plan shall be developed as an employment and retail entertainment center containing General Commercial, Industrial, Open Space - Parks, and Open Space - Resource land uses on approximately 533.8 acres, as illustrated on Figure 2-1, *Land Use Plan*.

2. The SUNSET CROSSROADS Specific Plan shall be developed with a maximum of 5,813,400 square feet of building area, in addition to 125-room limited-service hotel (approximately 90,000 square feet). The 5,813,400 square feet of building area consists of a Maximum Building Square Footage of 268,400 sf of building area in Planning Area 1 and a Maximum Building Square Footage of 5,545,000 SF in Planning Areas 2-10. The approximately 90,000 square feet of hotel use is not counted as part of the General Commercial's 268,400 Maximum Building Square Footage because traffic analysis for hotels is calculated by number of rooms, not square footage.

3. Except as modified by this Specific Plan or as approved by the Community Development Director pursuant to Chapter 5, *Implementation Plan*, development of the property shall be in accordance with the mandatory requirements of City of Banning ordinances.

4. Planning Area net acreage (and net acreage covered by a given land use designation) may be expanded or reduced without a Specific Plan Amendment, through the Minor Modification process pursuant to Section 5.2.3, provided the modification does not increase or decrease the size of any Planning Area by more than 20%.

5. Development intensity/density or building square footage may be increased by no more than 20% within any or all of the Planning Areas without a Specific Plan Amendment, through the Minor Modification process pursuant to Section 5.2.3, provided that the overall Maximum Building Square Footage for Industrial uses and for General Commercial uses within this Specific Plan is not exceeded.

6. Development intensity/density or building square footage may be reduced in any or all of the Planning Areas without a Minor Modification or Specific Plan Amendment.

7. The permitted building intensity/density or building square footage within any Planning Area pursuant to an approved application, may be increased by a subsequent application submitted within this Specific Plan for the same Planning Area, through the Minor Modification process pursuant to Section 5.2.3, provided that such increase does not result in the Maximum Building Square Footage permitted by the Specific Plan document being exceed for Industrial uses or for General Commercial uses, nor exceed the maximum of 125 hotel rooms.

8. The City of Banning Planning Department shall prepare and maintain a Development Intensity Table which identifies each approved application submitted within this Specific Plan by Planning Area along with the building square footage approved and/or constructed on that Planning Area pursuant to an approved application, so that a running total of the approved square footage is monitored to assure that the Maximum Building Square Footage permitted by the Specific Plan document (in either the Industrial or General Commercial) is not exceeded.

9. Buildings may be constructed across Planning Area boundaries with the same Land Use Designation, which cross over into abutting Planning Areas, subject to all of the applicable Implementation Regulations and Design Guidelines of this Specific Plan. Buildings constructed across Planning Area boundaries or lot lines shall not, by themselves, trigger the requirement for a Minor Modification or Specific Plan Amendment.

10. Prior to issuance of a building permit for construction of any new use contemplated by this Specific Plan approval, the applicant shall first obtain clearance from the Planning Department verifying that all pertinent conditions of this Specific Plan approval have been satisfied for the phase of development in question.

11. A review in compliance with the California Environmental Quality Act (CEQA) shall be conducted to determine potential environmental impacts resulting from each Subdivision Map, Zone Change, Specific Plan Amendment, or other discretionary land use application required to implement this Specific Plan, unless such proposal is determined by the Community Development Director to be ministerial, consistent with the project EIR and to not require subsequent environmental review, or is exempt from the provisions of CEQA. Any required CEQA review shall be prepared as part of the review process for the application submitted within this Specific Plan.

12. Lots or parcels created within the Specific Plan area pursuant to any concurrent or subsequent tentative subdivision map(s) shall be consistent with the Implementation Regulations of the Specific Plan herein applied to the site, or as modified pursuant to Chapter 5, Implementation Plan.

13. For the security and safety of future employees and visitors, the applicant and/or Developer shall incorporate the following design concepts within each individual Design Review or Conditional Use Permit Application, or as approved by the Community Development Director:

    a. Circulation for pedestrians, vehicles, and police patrols.
    b. Lighting of streets, parking areas, and walkways.
    c. Visibility of doors and windows from the street and between buildings, where practical.

d. Fencing heights and materials (which are Developer's responsibility).

15. All lighting within this Specific Plan shall adhere to the following standards:

    a. Lighting shall be limited to that necessary to light the project site. No lighting source shall be visible, or shall be permitted to spill over to adjacent properties.

    b. Lighting shall not be permitted which blinks, flashes, or is of unusually high intensity or brightness. All lighting fixtures shall not have a visible light source and must be shielded and directed downward and away from adjoining properties and public rights-of-way.

    c. Lighting in commercial and industrial projects should be only the minimum required for safety and security.

    d. Light standards should be limited to eighteen to thirty-four feet.

    e. Lighting should be integrated into the structure's architecture to the greatest extent possible.

    f. All lighting requirements in Section 17.24.100 of the City of Banning Zoning Ordinance are superseded by these standards.

16. Off street parking areas shall be regulated by these standards and other regulations within the City Zoning Ordinance are superseded:

    a. Access.

        1. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction.

        2. No parking space shall be located so that a vehicle will maneuver within 25 feet of a parking entrance/vehicle entrance/parking aisle, vehicular entrance measured from the face of the curb.

    b. Dimensional Requirements. Dimensional requirements for off-street parking include the following:

        1. Parking stalls shall be non-perpendicular to the parking aisle whenever possible.

        2. Parking structures may be subject to dimensional adjustment, but in no case shall the stall width be less than eight feet and six inches. Reductions in design standards shall be subject to approval by the City Engineer and shall be discouraged.

    c. Drainage. Off-street parking areas shall be so designed that surface water will not drain over any sidewalk, or adjacent property.

    d. Driveways.

        1. Commercial/ Industrial

            a. Access standards shall be maintained by the Public Works Department.
            b. Drive aisles shall be a minimum width of 15 feet for a one-way driveway, and 24 feet for a two-way driveway.

    e. Landscaping, Screening and Shading. A minimum of 15 percent of the net area of all parking areas shall be landscaped as follows:

1. Where parking areas adjoin a public right of way, a landscaped planting strip equal to the required yard setback shall be established and continuously maintained between the public right of way and parking area.
2. Any planting, sign, or any other structure within safety sight-distance of a driveway shall not exceed 30 inches in height.
3. Pedestrian access shall be provided throughout the landscaped areas.
4. At least one 24 inch box tree for every four spaces shall be included in the development of the overall landscape program. The maximum spacing between trees in parking areas shall be 30 feet; however, appropriate clustering of trees may be permitted. Landscaping islands are required at both ends of all parking rows.
5. All areas in a parking lot not used for driveways, maneuvering areas, parking spaces or walks, shall be permanently landscaped with suitable materials and permanently maintained.
6. A concrete curb, six inches high and six inches wide, shall abut all parking areas.
7. All landscaped areas shall be a minimum interior dimension of six feet in width.
8. Permanent and automatic irrigation systems shall be installed and permanently maintained in all landscaped areas, in conformance with the City's water conservation regulations in Chapter 17.32.
9. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped in lieu of asphalt while maintaining the required parking dimensions. This overhang is in addition to the required yard setbacks.
10. The landscaping plan shall provide for a variety of plant materials with an emphasis on drought tolerant species, and shall include a legend showing common names and sizes.
11. For screening purposes, all commercial, industrial and public parking areas abutting residentially designated property shall have a six foot high solid architecturally treated decorative masonry wall approved by the Community Development Director. All wall treatments shall occur on both sides.
12. Although any reasonable combination of shading methods can be utilized, all parking areas must provide at least 30 percent permanent shading for parked vehicles within two years of planting.
13. If trees are used, they may not thereafter be trimmed in a way which reduces the effectiveness of their shading ability.

f. Security and Lighting.

1. All parking facilities shall be designed, constructed and maintained with security as a priority to protect the safety of the users.
2. Adequate illumination for security and safety shall be provided in all parking areas. Lighting shall be energy efficient and in scale with the height and use of the structure. Any illumination, including security lighting, shall be shielded, visibility of light source eliminated and directed away from adjoining properties and public rights of way.

g. Location of Required Parking Spaces.

1. All parking spaces shall be located on the same parcel as the structure or the use unless otherwise approved by the review authority.

h. Maintenance. All required parking facilities shall be permanently maintained, free of litter and debris.

i. Parking Structures. All parking structures shall be landscaped as follows:

1. All landscaping shall be permanently maintained and automatically irrigated. The parking structure shall have continuous minimum ten foot perimeter landscaping with vertical elements, such as trees or climbing vines at least every 20 feet.
2. Entries and exits of the parking structure shall include a minimum six-foot wide landscaped median island and accent paving in the driveway.
3. Landscaped materials, excluding vertical element openings, shall be provided in planters and/or pots for at least five percent of the total surface deck area. The planters and pots shall be distributed through the top deck area, and the perimeter of intermediate decks.
4. Lighting shall not spill beyond the surface deck, and shall not spill onto other properties. Lighting fixtures shall not exceed four feet in height.

j. Shared Parking.

1. Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation.
2. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and written documentation shall be submitted substantiating their reasons for the requested parking reduction. Shared parking may only be approved if:
    a. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses;
    b. Satisfactory evidence, as determined by the Community Development Director, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and times when the uses operate so as to demonstrate the lack of potential conflict between them; and
    c. Any additional covenants, deed restrictions or other agreements or documents as may be deemed necessary by the Community Development Director, are executed to assure that the required parking spaces provided are maintained, and that uses with similar hours and parking requirements, remain for the life of the commercial/industrial development.

k. Slope.

1. Driveways shall have no grades exceeding an eight percent slope, unless approved by the City Engineer.
2. Parking areas shall be designed and improved with grades not to exceed a five percent slope.

l. Striping and Surfacing

1. All parking spaces shall be striped in accordance with City requirements. The striping shall be maintained in a clear and visible manner. Each exit from any parking area shall be clearly marked with a "STOP" sign.
2. Driveway and parking areas should be surfaced with a minimum thickness of three inches of concrete, asphaltic concrete, or a material approved by the City Engineer with bituminous surfacing over a minimum thickness of four inches of an aggregate base material.

3. For areas which are close to trees and shrubs, a porous surface may be used such as gravel, if this will aid in bringing rainwater to the roots of the trees, and if this is approved by the City Engineer.

m. Curbing and Wheel Stops.

4. Continuous concrete curbing at least six inches high and six inches wide shall be provided at least three feet from any wall, fence, property line, walkway or structure where parking and or drive aisles are located adjacent thereto. Curbing may be left out at structure access points.

5. The space between the curb and wall, fence, property line, walkway or structure shall be landscaped. The clear width of a walkway adjacent to overhanging parked cars shall be four feet.

6. All parking lots shall have a continuous curbing at least six inches high and six inches wide around all parking areas and aisle planters. Wheel stops shall not be used in lieu of curbing to protect landscaping, signage structures and walls.

n. Parking Adjustment. Concurrent with an application for Design Review and/or Conditional Use Permit and application for a parking adjustment may be approved by the review authority subject to the findings:

Findings for a Parking Adjustment

1. The zoning regulations applicable to the property do not allow a reasonable use comparable to similar developments in the same zoning district;

2. The hardship for which the variance is requested is unique to the property area;

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located;

4. Neither present nor anticipated future traffic volumes generated by the use of the site or the sites in the vicinity require strict or literal interpretation and enforcement of the specific regulation;

5. The granting of this parking variance will not result in the parking or loading of vehicles in public streets in such a manner as to interfere with the free flow of street traffic;

6. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance; and

7. The variance will run with the use or uses to which it pertains and shall not run with the site.

17. All landscaping shall be designed, installed and maintained in a manner consistent with the City of Banning Municipal Ordinance Section 8.28.170 and Chapter 17.32 (Water Efficient Landscape Ordinance) where not superseded by this Specific Plan.

18. Prior to the issuance of the first occupancy permit within the project, the Sign Program and Signage Design Guidelines shall be prepared and approved by the City of Banning. The Sign Program and Signage Design Guidelines shall provide adequate and appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses that shall be consistent with this Specific Plan.

19. Common areas identified in the Specific Plan are intended to be owned and maintained pursuant to Table 5-1, Maintenance Responsibilities, as described below:

a. One or more permanent master maintenance organizations shall be established for the Specific Plan area, such as a Master Property Owners' Association, Property Owners' Association, and/or Sub-Association, to assume ownership and/or maintenance responsibility for all common space, private circulation systems, common parking lots, pedestrian paths, and other landscaped areas. Such a maintenance organization(s) may be public or private, or a combination of public and private.

b. The maintenance organizations shall be established prior to Certificate of Occupancy. The ownership and maintenance responsibility shall be identified for each common area at the time Design Review or Conditional Use Permits are filed.

18. Structures shall be constructed to comply with California Energy Commission Title 24, Energy Efficiency Standards for Non-Residential Construction in place at the time the application for a building permit is submitted and complete.

19. In accordance with the California Solid Waste Reuse and Recycling Access Act of 1991, Cal Pub Resources Code §42911, adequate areas for collecting and loading recyclable materials shall be provided.

20. All businesses within Sunset Crossroads must provide recycling and organics recycling containers at front-of-house to collect waste generated from the products purchased and consumed on the premises consistent with CalRecycle requirements.

    1. Any business generating 2 or more cubic yards of waste per week (recycling + organics recycling + disposal) shall engage in one of the following organic recycling activities:
        a) Source separate organic waste from other waste and participate in a waste recycling service that includes collection and recycling of organic waste.
        b) Recycle its organic waste on site, or self-haul its organic waste off site for recycling.
        c) Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.
    2. Any business that generates four cubic yards or more of commercial solid waste per week shall arrange for recycling services. Businesses can take one or any combination of the following actions in order to reuse, recycle, compost or otherwise divert solid waste from disposal:
        a) Self-haul.
        b) Subscribe to a hauler(s).
        c) Arrange for the pickup of recyclable materials.
        d) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

3.2. PERMITTED, CONDITIONAL, ANCILLARY, AND PROHIBITED USES

Land within the SUNSET CROSSROADS Specific Plan and structures/facilities therein may be developed, and/or used for those activities listed in Table 3-1, *Permitted Uses*. Table 3-1 lists the Permitted, Conditionally Permitted, Ancillary and Prohibited land uses for each Planning Area established by this Specific Plan (Industrial, General Commercial, and Open Space). The Community Development Director is authorized to make a determination that a use not listed in Table 3-1 (*Permitted Uses*) may be allowed by the Specific Plan because it is found to be substantially similar to, and no more objectionable than, a Permitted, Conditionally Permitted, or Ancillary use, pursuant to the procedures in Chapter 5, *Implementation Plan*. Such a use shall be subject to the same review requirements as the identified "similar" allowed use. "Substantially similar" means that the use would be consistent with the purpose and intent of the Planning Area's Land Use Designation in which the use is proposed (refer to Chapter 2, *Development Plan*). The description of uses within Planning Areas 11 through 19 are provided in the footnotes of Table 3-1.

The City, in considering an application for a specific permitted use, shall determine whether there are significant environmental impacts resulting from such proposed use not addressed in the EIR or any then prepared subsequent environmental documentation. If the environmental impacts exceed the impacts disclosed in the EIR or subsequent environmental documentation approved by the City, the City shall undertake additional environmental review in compliance with CEQA prior to approving any such use.

The symbols shown in Table 3-1 have the following meanings:

- "P" means the land use is Permitted by right in the specified Land Use Designation, subject to the Implementation Regulations applicable to that Land Use Designation.
- "C" means the land use is Conditionally Permitted, subject to the filing of a Conditional Use Permit Application in accordance with the requirements of the City Zoning Ordinance and must be approved by the City of Banning before the use can be established within a particular Land Use Designation. A Conditional Use Permit application is an intensive consideration of an application submitted within this Specific Plan; no Design Review application is required.
- "A" means the land use is Permitted by right in the specified Land Use Designation only when the use is Ancillary (in support of) the main Permitted or Conditionally Permitted use of the property.
- "X" means the land use is Prohibited within that Land Use Designation.

Table 3-1 Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses

USE LEGEND: P: PERMITTED BY RIGHT | C: CONDITIONAL USE | A: ANCILLARY | X: PROHIBITED			
Use	General Commercial (Planning Area 1)	Industrial (Planning Areas 2, 3, 4, 5, 6, 7, 89 & 10)	Notes
Recreation, Education, and Public Assembly			
Go-Cart racetrack	P	X	
Billiard parlors/pool halls	C	X	
Religious Facilities	C	C	
Community centers	C	X	
Day care centers	P	A	
Health/fitness facilities	P	A	
Indoor recreation centers	P	X	
Libraries	P	P	
Membership organization facilities	P	C	
Museums	P	C	
Outdoor commercial recreation	P	X	
Public parks, outdoor spaces, and playgrounds	P	X	
Recreational vehicle (RV) storage	X	P	
Sport facilities and outdoor public assembly	C	X	
Studios for dance, art, music, photography, etc.	P	C	
Theatres and meeting halls	C	C	
Retail Uses			
Accessory retail uses	P	P	
Alcoholic beverage sales, on- or off-site	C	X	
Amusement Halls/Pools Halls Antique stores	C P	X X	
Art galleries	P	X	
Auto, mobile home, and motor vehicle sales, with or without part sales, new and/or used	X	C	
Auto, mobile home, and motor vehicle part sales	X	X	
Bakeries, retail	P	X	
Bars and drinking establishments	C	X	
Certified farmers' markets	P	P	
Convenience stores, with liquor sales	C	X	
Convenience stores, no liquor sales	P	X	

USE LEGEND: P: PERMITTED BY RIGHT | C: CONDITIONAL USE | A: ANCILLARY | X: PROHIBITED			
Use	General Commercial (Planning Area 1)	Industrial (Planning Areas 2, 3, 4, 5, 6, 7, 89 & 10)	Notes
Department stores	P	X	
Drive-in/drive-through sales	C	X	
Drug stores	P	X	
Factory outlet centers	P	X	
Farm and ranch supply stores	P	X	
Furniture, furnishings, home equipment stores	P	X	
Gift shops	P	X	
Grocery stores, retail butchers and green grocers	P	X	
Hardware/lumber/building material stores	P	X	e.g., Ace Hardware, The Home Depot, etc. with corresponding ancillary outdoor storage for these uses.
Liquor stores (off-site consumption)	C	X	
Outdoor retail merchandise display and activities	C	X	
Pawn shops	X	X	
Pet stores and grooming	P	X	
Restaurants, no beer, wine or liquor sales	P	A	Ancillary to an industrial building i.e.: Cafeteria
Restaurants, serving beer, wine or liquor	P	A	Ancillary to an industrial building i.e.: Cafeteria
Restaurants, drive-in, take-out, fast food	P	A	Ancillary to an industrial building i.e.: Cafeteria
Retail stores, general merchandise	P	X	
Second hand/thrift stores	C	X	
Shopping centers, 15,000 square feet or more	P	X	
Warehouse or club stores (i.e., "Big box stores")	P	X	
Services			
Automatic teller machine (ATM), not at a bank	P	X	
Banks and financial establishments/services	P	X	
Barber shops and beauty shops	P	A	
Bed and breakfast establishments	C	X	
Business support/secretarial services	P	X	

USE LEGEND: P: PERMITTED BY RIGHT | C: CONDITIONAL USE | A: ANCILLARY | X: PROHIBITED			
Use	General Commercial (Planning Area 1)	Industrial (Planning Areas 2, 3, 4, 5, 6, 7, 89 & 10)	Notes
Car wash	P	A	
Construction storage (indoor and/or outdoor)	X	C	
Drive-in and drive-through services	P	X	
Dry cleaning, retail	P	A	
Equipment rental yards	X	P	
Fortune-Telling	C	X	
Government offices	P	X	
Hookah and Smoking Lounges	C	C	
Hotels and motels, including extended stay	P	X	
Laundry, coin operated	P	X	
Massage Establishment	P	X	
Medical services, clinics and labs	C	X	
Professional offices	P	P	
Public parking	P	P	
Public utility and safety facilities	P	P	Including Fire Station, Reverse Osmosis Facility, Potable Water Reservoir, and Electrical Substation.
Real estate offices	P	X	
Repair and maintenance of consumer products	P	X	
Repair and maintenance of motor vehicles, including auto body	X	P	
Research and development facilities	X	P	
Storage, accessory, including self-storage	X	P	
Tattoo and Body Piercing Studios	C	X	
Travel Centers	P	X	Gas, Diesel, Electric, CNG, Car Wash, Retail/Fast Food
Urgent Care	P	X	
Vehicle Repair Facilities with or without eight (8) or fewer fueling stations [Automobile or Truck]	X	A	Limited to basic maintenance such as tire repairs, oil changes, and other minor non-engine vehicle maintenance.
Veterinary clinics, animal hospitals, grooming	P	X	
Manufacturing and Processing Uses			
Assembly from prefabricated parts or products	C	P	
Auto wrecking/parts salvaging	X	X	

USE LEGEND: P: PERMITTED BY RIGHT | C: CONDITIONAL USE | A: ANCILLARY | X: PROHIBITED			
Use	General Commercial (Planning Area 1)	Industrial (Planning Areas 2, 3, 4, 5, 6, 7, 89 & 10)	Notes
Bakeries, wholesale	X	P	Wholesale only, no small bakeries.
Breweries and distilleries	P	P	
Breweries and distilleries, with bar and/or restaurant in same building.	P	P	
Cabinet shops, carpentry, furniture manufacturing and assembly	X	P	
Ceramics manufacturing and assembly	X	P	
Cleaning and dyeing plants	X	C	
Contractor's storage yards	X	P	
Creameries and dairies	X	C	
Distribution	X	P	
Food products manufacturing	X	P	
Furniture and fixtures	X	P	
Garment and shoe manufacturing	X	P	
Ice and cold storage	X	P	Not including cooled/chilled or frozen/foods/products distribution facilities
Laundries and dry-cleaning plants	C	P	
Lumber yards	X	P	Primarily wholesale to the trade, limited retail sales, outdoor storage.
Machining, welding and blacksmithing	X	P	
Manufacturing facilities, light	X	P	
Manufacturing facilities, heavy	X	X	
Metal plating shops	X	X	
Mixed-use office/industrial	X	P	
Mixed-use industrial/commercial	X	P	
Packing plant	X	X	
Printing/publishing	P	P	
Recycling facilities	X	P	
Recycling—Reverse vending machines	P	P	
Sheet metal shops	X	P	
Stone and granite storage and sales	X	P	
Storage yard	X	P	
Tire recapping, retreading and storage	X	C	

USE LEGEND: P: PERMITTED BY RIGHT | C: CONDITIONAL USE | A: ANCILLARY | X: PROHIBITED			
Use	General Commercial (Planning Area 1)	Industrial (Planning Areas 2, 3, 4, 5, 6, 7, 89 & 10)	Notes
Truck (commercial) repair, towing, parking, storage and service	X	P	
Trucking yard or terminal	X	P	
Warehousing	X	P	
Wholesaling	X	P	
Other Uses			
Commercial or telecommunications antennae	P	P	
Public utility facilities	P	P	Including Electrical Substation, Fire Station, Potable Water Reservoir, and Reverse Osmosis Water Treatment Facility
Cannabis Commercial Indoor Cultivation [4]	X	C	
Cannabis Manufacturing Level 1 [4]	X	C	
Cannabis Retailer [4]	C	X	
Cannabis Testing Laboratory [4]	X	C	
Cannabis Distribution Facility [4]	X	C	
Plant nurseries, with on-site sales	P	X	
Plant nurseries, without on-site sales	C	X	
Commercial cargo/storage containers	C	P	
Additional Uses Not Listed in City's Ordinance			
Recreational Uses within fully enclosed building with ancillary outdoor activities.	P	P	
Linen and Uniform Supply	X	P	
Battery Energy Storage System (BESS)	X	P	
Distribution warehouses, general warehouses, and e-commerce fulfillment centers, for dry goods	X	P	
Distribution warehouses, general warehouses, and e-commerce fulfillment centers for chilled, cooled, or frozen goods	X	P	
Industrial Robotics Manufacturing and Assembly	X	P	
Data processing centers and data storage services	X	P	
Computer and electronic parts manufacturing and assembly	X	P	

USE LEGEND: P: PERMITTED BY RIGHT | C: CONDITIONAL USE | A: ANCILLARY | X: PROHIBITED			
Use	General Commercial (Planning Area 1)	Industrial (Planning Areas 2, 3, 4, 5, 6, 7, 89 & 10)	Notes
Machinery manufacture	X	P	
Day/health spa	P	X	
Freeway Oriented Freestanding Signs[3]	P	P	
Indoor Go Kart Racing Tracks	P	X	
Indoor Trampoline Parks and/or Indoor Obstacle Courses, Climbing Walls/Gyms	P	X	
Indoor, Man-made Surf and Wave Recreation	P	X	

Notes:
[1] Uses permitted within Planning Area 11 include a 5.0-acre public park, natural open space, trails, and landscaping. Planning Area 12 shall include open space areas which may include trails, as well as a possible Reverse Osmosis Facility Site and Fire Station site.
[2] Development within Planning Areas 13, 14, 15, 16, 17, 18, and 19 shall be limited to grading associated with drainage crossings by roadways and/or fuel modification activities.
[3] Freeway Oriented Freestanding Signs are permitted within Planning Areas 1, 6, and 7 and may be constructed as electronic/digital message board pylon signs consistent with the Specific Plan Sign Program.
[4] Subject to Banning Municipal Code Requirements: Chapters 5.33, 5.35, 17.53 and 17.54.

3.3. GENERAL COMMERCIAL DEVELOPMENT STANDARDS

The standards identified below establish the development criteria that shall apply to Planning Area 1, designated General Commercial within SUNSET CROSSROADS. The Maximum Building Square Footage for Planning Area 1 is a total of 268,400 square feet of General Commercial building space in addition to a 125-room hotel (approximately 90,000 square feet), all at a Maximum Building Coverage of 50%. The 90,000 square feet of hotel use is not counted as part of the General Commercial's 268,400 Maximum Building Square Footage because traffic analysis for hotels is calculated by number of rooms, not by square footage. Design Guidelines for this Planning Area can be found in Chapter 4.

Table 3-2 Development Standards – General Commercial

Site Requirements	
Minimum Lot Area	N/A
Minimum Average Lot Width	N/A
Maximum Building Coverage[1]	50%
Notes: 1. During implementation, the Maximum Building Coverage shall be calculated for each Planning Area or Parcel. The Specific Plan Maximum Building Square Footage for General Commercial uses of 268,400 s.f., excluding the hotel and fuel pumps, shall not be exceeded, regardless of the Maximum Building Coverage achieved in any Planning Area. The approximately 90,000 square feet of hotel use is not part of the General Commercial 268,400 Maximum Building Square Footage because traffic analysis for hotels is calculated by number of rooms, not by square footage.	
Minimum Setback Requirements (When abutting a street) (As measured from the building to the edge of the right-of-way or to the property line.)	
Front, Rear, and Side	Building Heights under 35 feet: None Building Heights over 35 feet: 2 feet for each foot the building height exceeds 35 feet
Architectural features such as cornices, eaves, canopies, decorative wall elements	May encroach up to 4 feet into the setback, provided that adequate emergency access can be maintained, subject to approval by the Riverside County Fire Department.
Minimum Setback Requirements at Interior Side Yards (as measured from the property line.)	
Building	5 feet
Drive Aisle and Passenger Car and Truck Parking	5 feet
Screened Loading and Storage Yards	0 feet
Minimum Drive Aisle and Parking Space Separation Requirements	
Adjacent to building office element	10 feet
Adjacent to solid building wall or screen wall/fence, and not within a screened/enclosed yard.	5 feet
Adjacent to solid building wall or screen wall/fence, and within a screened/enclosed yard.	0 feet
Other Development Standards	
Maximum Building Height (measured from the building's finished floor elevation to the highest point of the building's roof, parapet, solar arrays, or other architectural projection.)	60 feet plus an additional 10 feet for solar arrays
Maximum Freeway Oriented Freestanding Sign	80 feet
Ground and Roof-Mounted Equipment	All ground and roof mounted mechanical equipment shall be screened or obscured to the extent practical by landscaping when visible from abutting public roadways.
Signage	Signage shall be consistent with the Sign Program and Signage Design Guidelines, Signage Design Guidelines in the Specific Plan, or as approved by the City of Banning.
Outside Storage	If a non-screened outdoor general retail area is proposed, this area shall be identified on the implementing Design Review or Conditional Use Permit and shall be set back a minimum of 10 feet from the edge of the right-of-way.

3.4. INDUSTRIAL DEVELOPMENT STANDARDS

The standards identified below establish the development criteria that shall apply to the Planning Areas designated Industrial within the SUNSET CROSSROADS Specific Plan (Planning Areas 2, 3, 4, 5, 6, 7, 8, 9, and 10). The combined Maximum Building Square Footage for Planning Areas 2, 3, 4, 5, 6, 7, 8, 9, and 10 is 5,545,000 square feet of Industrial building space, at a Maximum Building Coverage of 60%. Design Guidelines for these Planning Areas can be found in Chapter 4.

Table 3-3 Development Standards - Industrial

Site Requirements	
Minimum Lot Area	N/A
Minimum Average Lot Width	N/A
Maximum Building Coverage [1]	60%
Notes: 1. During implementation, the Maximum Building Coverage shall be calculated for each Planning Area or Parcel. The Specific Plan maximum building square footage of 5,545,000 square feet for Industrial uses of shall not be exceeded, regardless of the Maximum Building Coverage achieved in any Planning Area.	
Minimum Setback Requirements (When abutting a street) (As measured from the building to the edge of right-of-way or property line.)	
Front	When abutting any public street – 25 feet (of which 10 feet adjacent to the right-of-way shall be landscaped) All other instances – 0 feet
Rear	0 feet
Side	0 feet
Architectural features such as cornices, eaves, canopies, decorative wall elements	May encroach up to 4 feet into the setback, provided that adequate emergency access can be maintained, subject to approval by the Riverside County Fire Department.
Minimum Setback Requirements at Interior Side Yards (as measured from the property line.)	
Building	5 feet
Drive Aisle and Passenger Car and Truck Parking	5 feet
Screened Loading and Storage Yards	0 feet
Minimum Drive Aisle and Parking Space Separation Requirements	
Adjacent to building office element	10 feet
Adjacent to solid building wall or screen wall/fence, and not within a screened/enclosed yard.	5 feet
Adjacent to solid building wall or screen wall/fence, and within a screened/enclosed yard.	0 feet
Other Development Standards	
Maximum Building Height (Planning Areas 3, 4, 6, 7, 8, & 9) (Measured from the building's finished floor elevation to the highest point of the building's roof, parapet, solar arrays, or other architectural projection.)	60 feet plus an additional 10 feet for solar arrays
Maximum Building Height (Planning Areas 2 & 5) (Measured from the building's finished floor elevation to the highest point of the building's roof, parapet, solar arrays, or other architectural projection.)	Planning Area 2 - 60 feet plus an additional 10 feet for solar arrays, or architectural parapet or other solid screening, only when screening industrial refrigeration equipment Planning Area 5 - 80 feet
Maximum Freeway Oriented Freestanding Sign	80 feet
Ground and Roof-Mounted Equipment	All ground and roof mounted mechanical equipment shall be screened or obscured by landscaping when visible from adjacent public roadways.
Signage	Signage shall be consistent with the Sign Program and Signage Design Guidelines, Signage Design Guidelines in the Specific Plan, or as approved by the City of Banning.
Outside Storage	If a non-screened outdoor storage area is proposed, the storage area shall be identified on the implementing Design Review and/or Conditional Use Permit and shall be set back a minimum of 10 feet from the edge of the right-of-way.
Loading Areas, Trailer Storage, Overhead Doors	Loading areas, trailer storage, and overhead doors may face toward a public street if either: (a) Located further than 100' from the street, measured to the edge of sidewalk or curb, or (b) Appropriately screened from view with any combination of berms and landscaping or decorative screen walls.

3.4.1 BICYCLE PATHWAYS

1. Each Site Plan shall identify and the Project shall provide safe pathways for bicyclists from public roadways to on-site bicycle storage locations, using signage and/or striping.

3.4.2 TRUCK ROUTE MANAGEMENT PLAN REQUIREMENTS

1. Prior to the issuance of Final Occupancy Permits, each industrial site shall prepare and have approved by the Community Development Director, a Truck Management Plan containing the follow components:
    a. Posting of signage clearly showing the designated entry for trucks from the public streets to the designated onsite truck check-in and truck parking areas.
    b. Posting of signage indicating that all parking and maintenance of trucks must be conducted within the designated onsite areas and not within the surrounding community or on public streets.
    c. Posting of signage for exiting traffic (other than exempt vehicles[1]) showing the designated exits and restricting westward travel on Sun Lakes Boulevard west of Highland Home Road.
    d. Lease provisions clearly identifying the required truck routes, including requiring trucks to use Sunset Avenue to access the I-10 Freeway interchange and prohibiting trucks (other than exempt vehicles[1]) on Sun Lakes Boulevard west of Highland Home Road.
    e. Consider and include, where feasible, driveway aprons providing egress to SLB Extension that physically direct trucks east on SLB Extension in a manner that does not affect exempt vehicles[1].
    f. Truck route maps provided to all drivers and posted in breakrooms and throughout the Project.
    g. Designation of a Traffic Coordinator contact for the City to notify in the event of traffic issues.

[1]Exempt vehicles to include emergency and public safety vehicles, buses, limos and passenger vehicles, vehicles owned by a public utility or public agency and delivery vans serving local routes or using designated detour routes, tow trucks and moving vans.

3.5. PLANNING AREA STANDARDS

3.5.1 PLANNING AREA 1 [GENERAL COMMERCIAL (GC) – 47.9 ACRES]

a. DESCRIPTION

Planning Area 1 is designated for 47.9 acres of General Commercial land uses in the northeastern portion of SUNSET CROSSROADS and is designed as a regional draw, providing a leisure and entertainment destination focusing on health and wellness-based retail uses along with a 125-room hotel. A Travel Center is provided within Planning Area 1 to provide retail/convenience sales, drive-through fast food, vehicle fueling stations and commercial fueling stations to accommodate passenger vehicles, recreational vehicles, and multi-axel axle tractor trailers directly off the I-10.

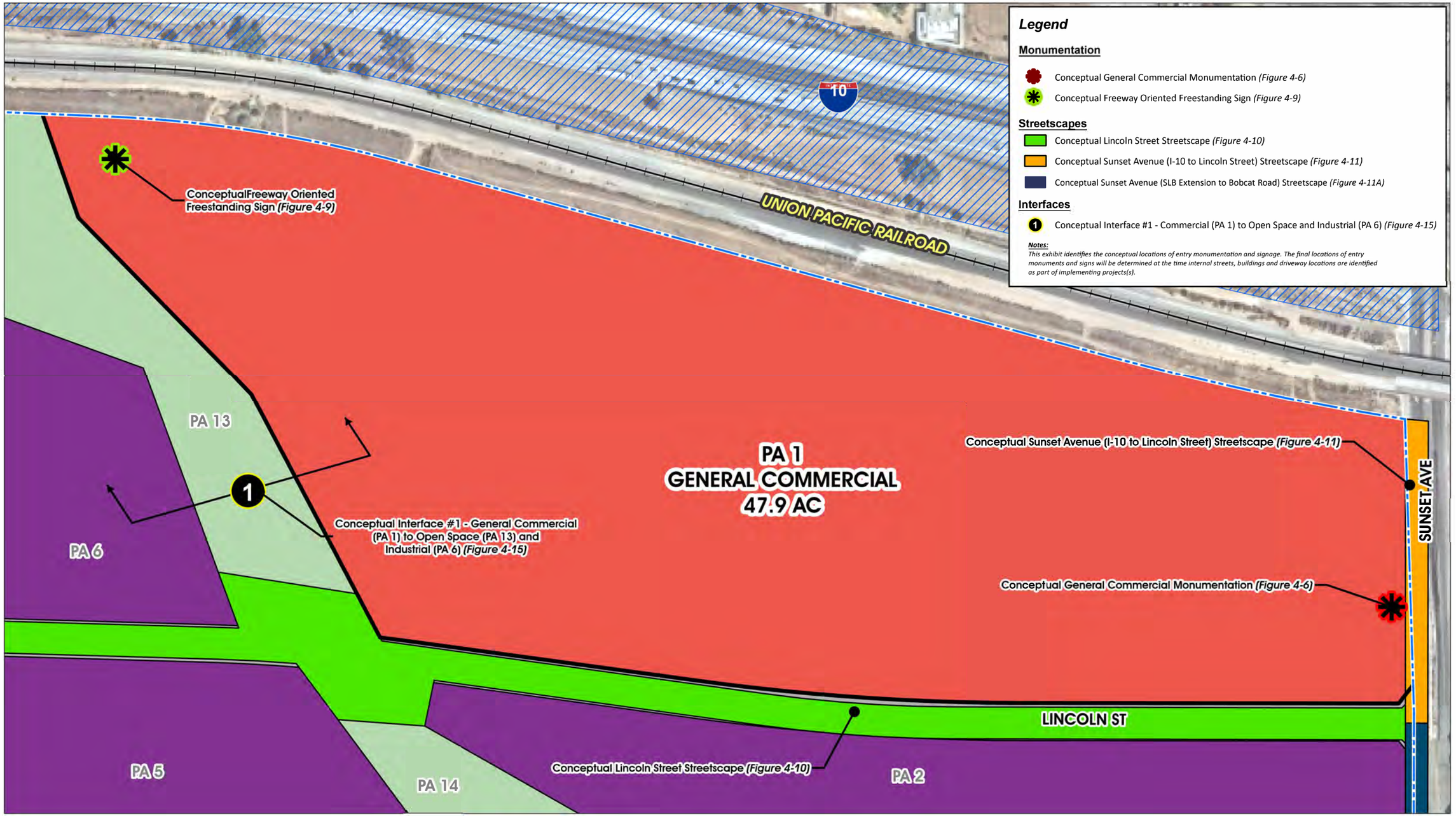
As shown on Figure 3-1, *Planning Area 1*, the General Commercial uses within Planning Area 1 are located north of Lincoln Street and west of Sunset Avenue. When entering the site from Sunset Avenue, visitors and employees are greeted with a Travel Center, restaurants and a multi-story hotel that initiates their experience at SUNSET CROSSROADS. Upon arrival, visitors and employees can park and continue to the heart of the development via pedestrian friendly walkways or continue into the Main Street District. Within the Main Street District, visitors will find wellness, restaurants, and recreational enterprises and outdoor gathering areas along both sides of A Street with patios, outdoor spaces, sports-oriented uses and retail storefronts.

The Main Street District leads directly to the heart of SUNSET CROSSROADS, terminating in a communal park surrounded by wellness-based retail, recreation and restaurants. Potential activity and wellness-based retail uses may

include stationary wave surfing, indoor skydiving, indoor go-karting, obstacle gyms, and an indoor/outdoor climbing wall that serves as a focal exterior icon to this district. A collection of smaller athletic and dance studio spaces and a green belt for yoga classes, family lawn games, and relaxing lounge seating areas contributes to the energy of this zone by allowing for indoor/outdoor connectivity of their programs into the outdoor gathering areas. It is this collection of unique wellness-based uses, restaurants, outdoor areas, communal and public open spaces, and public focal points that will define the vision of SUNSET CROSSROADS for years to come.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 1 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for General Commercial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 1 shall comply with the Development Standards for General Commercial land uses provided in Section 3.3.
3. Primary access to Planning Area 1 shall be provided via Lincoln Street from Sunset Avenue, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation, General Commercial Monumentation, Conceptual Tenant Monumentation, and Freeway Oriented Freestanding Signs for Planning Area 1 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation and signage will be determined in conjunction with development of this Planning Area and each application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Roadway landscape treatments shall be provided along Sunset Avenue and Lincoln Street, as conceptually illustrated on Figure 4-10, *Conceptual Lincoln Street Streetscape,* Figure 4-11, *Conceptual Sunset Avenue (I-10 to Lincoln Street) Streetscape.*
6. Walls and fencing along the exterior of Planning Area 1 may be provided. The location(s) and type of walls/fences interior to Planning Area 1 will be established in conjunction with an application submitted within this Specific Plan for this Planning Area.
7. The transition between Planning Area 1, Planning Area 13, and the Industrial uses located to the west within Planning Area 6, is conceptually illustrated in Figure 4-15, *Conceptual Interface #1 – Commercial (Planning Area 1) to Industrial (Planning Area 6).*
8. Please refer to Section 3.1*, General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
9. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023), Hunter Landscape (2021), ADS (03-21-2021)

FIGURE 3-1

3.5.2 PLANNING AREA 2 [Industrial (i) – 33.8 acres]

a. DESCRIPTION

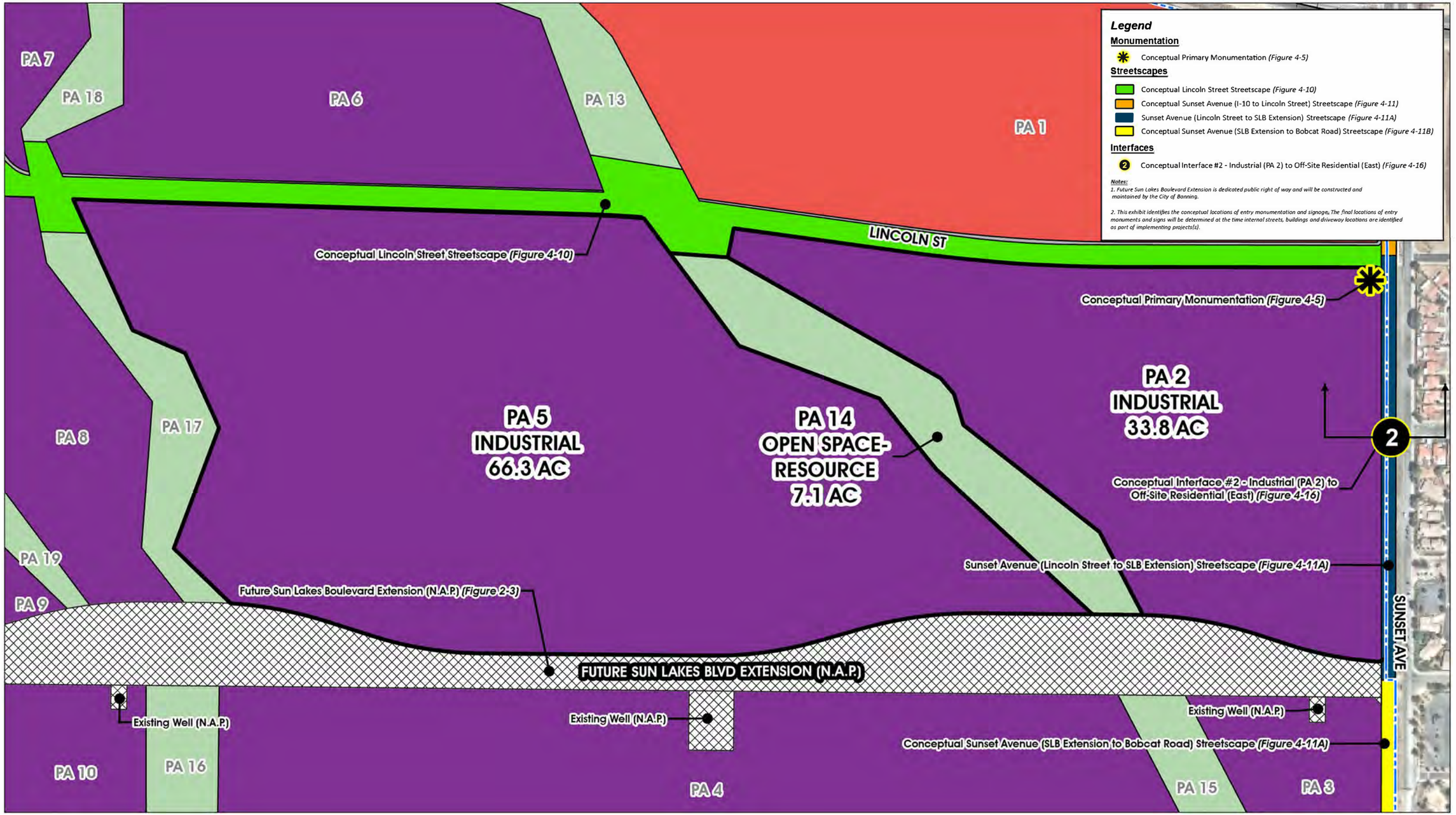
As shown on Figure 3-2, *Planning Areas 2, 5, and 14*, Planning Area 2 is located south of Lincoln Street, west of Sunset Avenue, and north of the SLB Extension and is designated for 33.8 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 2 is provided via Lincoln Street and the SLB Extension. Connections to private driveways and drive aisles within Planning Area 2 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 2 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 2 provides decorative landscaping along its frontage with Lincoln Street and Sunset Avenue, as a visual amenity. Additional landscaping, setbacks, and orientation of truck bays will be considered during the design and implementation of this Planning Area to provide a buffer between the Industrial uses and existing residential to the east.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 2 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 2 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Industrial refrigeration equipment in Planning Area 2 may be ground-mounted or roof-mounted. When roof-mounted, such equipment shall be surrounded by a 10-foot-high architectural parapet or other solid screening.
4. Primary access to Planning Area 2 shall be provided via Lincoln Street and the SLB Extension, as shown on Figure 2-2, *Conceptual Circulation Plan.*
5. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 2 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
6. Roadway landscape treatments shall be provided along Sunset Avenue and Lincoln Street, as conceptually illustrated on Figure 4-10, *Conceptual Lincoln Street Streetscape,* Figure 4-11A, *Conceptual Sunset Avenue (Lincoln Street to SLB Extension) Streetscape.*
7. Walls and fencing along the exterior of Planning Area 2 may be provided. The location(s) and type of walls/fences interior to Planning Area 2 will be established in conjunction with development of this Planning Area.
8. A landscaped transition shall be provided between Planning Area 2 and the off-site residential uses located to the east, as conceptually illustrated in Figure 4-16, *Conceptual Interface #2 – Industrial (Planning Area 2) to Off-Site Residential (East)*
9. Please refer to Section 3.1, *General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
10. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023), Hunter Landscape (2021), ADS (03-21-2021)

FIGURE 3-2

0 75 150 300 Feet

3.5.3 PLANNING AREA 3 [Industrial (i) – 7.8 acres]

a. DESCRIPTION

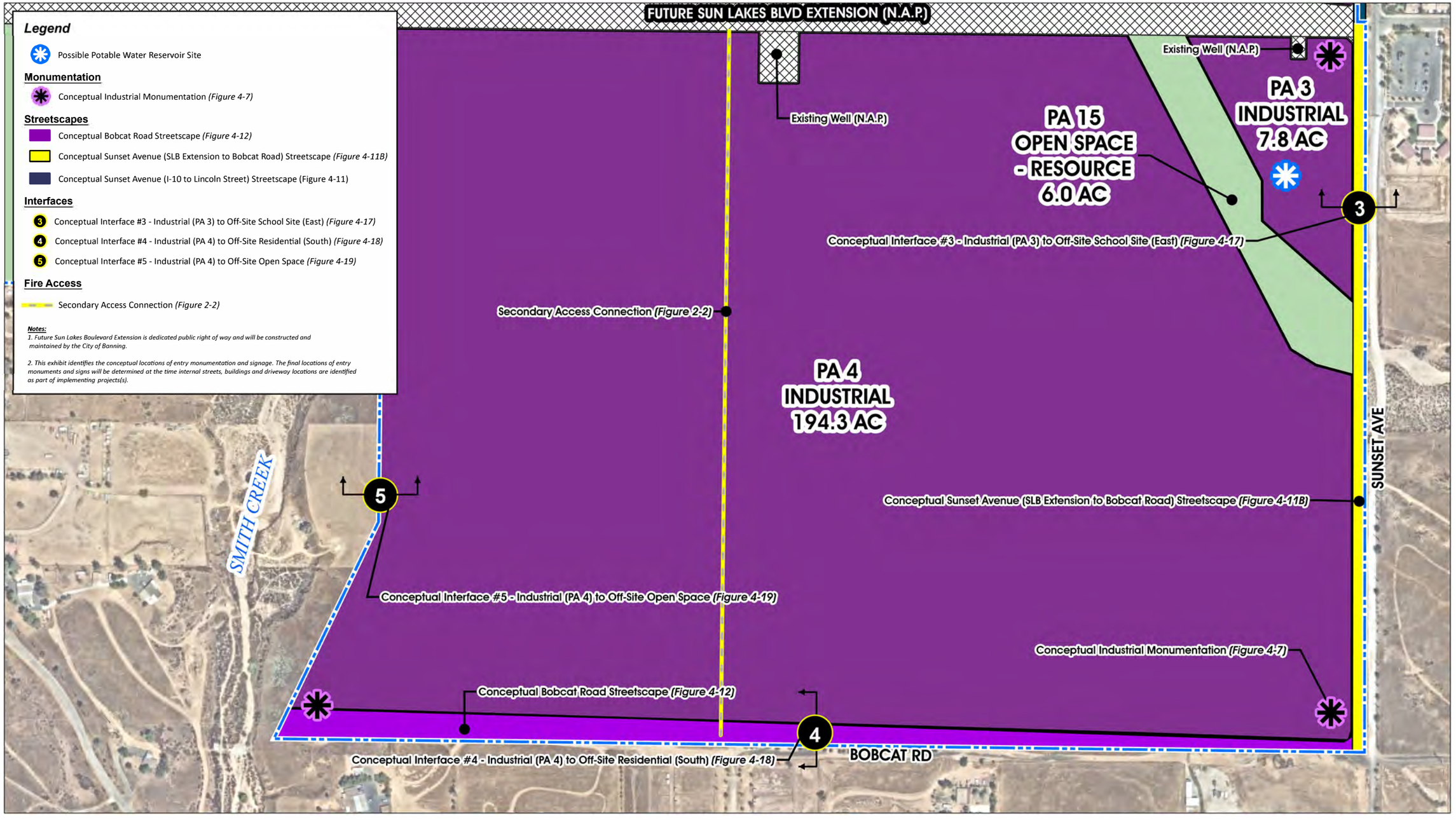
As shown on Figure 3-3, *Planning Areas 3, 4, and 15*, Planning Area 3 is located south of the SLB Extension and west of Sunset Avenue and is designated for 7.8 acres of Industrial land uses and may include a site for a Potable Water Reservoir. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1, *Permitted Uses.*

Automobile and heavy commercial truck access to Planning Area 3 is provided via Sunset Avenue. Connections to private driveways and drive aisles within Planning Area 3 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 3 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 3 provides decorative landscaping along its frontage with Sunset Avenue as a visual amenity. Additional landscaping, setbacks, and orientation of truck bays will be considered during the design and implementation of this Planning Area to provide a buffer between the Industrial uses and existing/planned residential uses/MSJC Campus to the east.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 3 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 3 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 3 shall be provided via Sunset Avenue, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 3 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Roadway landscape treatments shall be provided along Sunset Avenue as conceptually illustrated on Figure 4-11B, *Conceptual Sunset Avenue Streetscape (SLB Extension to Bobcat Road).*
6. Walls and fencing along the exterior of Planning Area 3 may be provided. The location(s) and type of walls/fences interior to Planning Area 3 will be established in conjunction with development of this Planning Area.
7. A landscaped transition shall be provided between Planning Area 3 and the off-site residential uses located to the east, as conceptually illustrated in Figure 4-17, *Conceptual Interface #3 – Industrial (Planning Area 3) to Off-Site School Site (East*).
8. Please refer to Section 3.1*, General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
9. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023), Hunter Landscape (2021)

FIGURE 3-3

3.5.4 PLANNING AREA 4 [Industrial (I) – 194.3 acres]

a. DESCRIPTION

As shown on Figure 3-3, *Planning Areas 3, 4, and 15*, Planning Area 4 is located north of Bobcat Road, south of the SLB Extension and west of Sunset Avenue and is designated for 194.3 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 4 is provided via the SLB Extension and Sunset Avenue. Connections to private driveways and drive aisles within Planning Area 4 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 4 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 4 provides decorative landscaping along its frontage with Sunset Avenue and Bobcat Road as a visual amenity.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 4 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 4 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. In Planning Area 4, 6-foot-high walls shall be constructed around the west, south, and east perimeters of parking lots fronting Bobcat Road across from residential uses. Buildings with parking lots that front Bobcat Road shall be constructed with 10-foot-high and 100-to-175-foot-long "wing walls" to reduce on-site operational noise.
4. Primary access to Planning Area 4 shall be provided via Sunset Avenue and the SLB Extension, as shown on Figure 2-2, *Conceptual Circulation Plan.*
5. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 4 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
6. Roadway landscape treatments shall be provided along Sunset Avenue as conceptually illustrated on Figure 4-11B, *Conceptual Sunset Avenue Streetscape (SLB Extension to Bobcat Road),* and Figure 4-12, *Conceptual Bobcat Road Streetscape.*
7. Walls and fencing along the exterior of Planning Area 4 may be provided. The location(s) and type of walls/fences interior to Planning Area 4 will be established in conjunction with development of this Planning Area.
8. A landscaped transition shall be provided between Planning Area 4 and the off-site residential uses located to the south, as conceptually illustrated in Figure 4-18, *Conceptual Interface #4 – Industrial (Planning Area 4) to Off-Site Residential (South).*
9. A landscaped transition shall be provided between Planning Area 4 and the off-site vacant land located to the west, as conceptually illustrated in Figure 4-19, *Conceptual Interface #5 – Industrial (Planning Area 4) to Off-Site Open Space.*
10. Please refer to Section 3.1, *General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.

11. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.

3.5.5 PLANNING AREA 5 [Industrial (I) – 66.3 acres]

a. DESCRIPTION

As shown on Figure 3-2, *Planning Areas 2, 5, and 14*, Planning Area 5 is located south of Lincoln Street and north of the SLB Extension, between Planning Areas 14 and 17 and is designated for 66.3 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 5 is provided via Lincoln Street and the SLB Extension. Connections to private driveways and drive aisles within Planning Area 5 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 5 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 5 provides decorative landscaping along its frontage with Lincoln Street as a visual amenity.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 5 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 5 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 5 shall be provided via Sunset Avenue and the SLB Extension, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 5 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Walls and fencing along the exterior of Planning Area 5 may be provided. The location(s) and type of walls/fences interior to Planning Area 5 will be established in conjunction with development of this Planning Area.
6. Please refer to Section 3.1*, General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
7. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.

3.5.6 PLANNING AREA 6 [INDUSTRIAL (I) – 28.1 ACRES]

a. DESCRIPTION

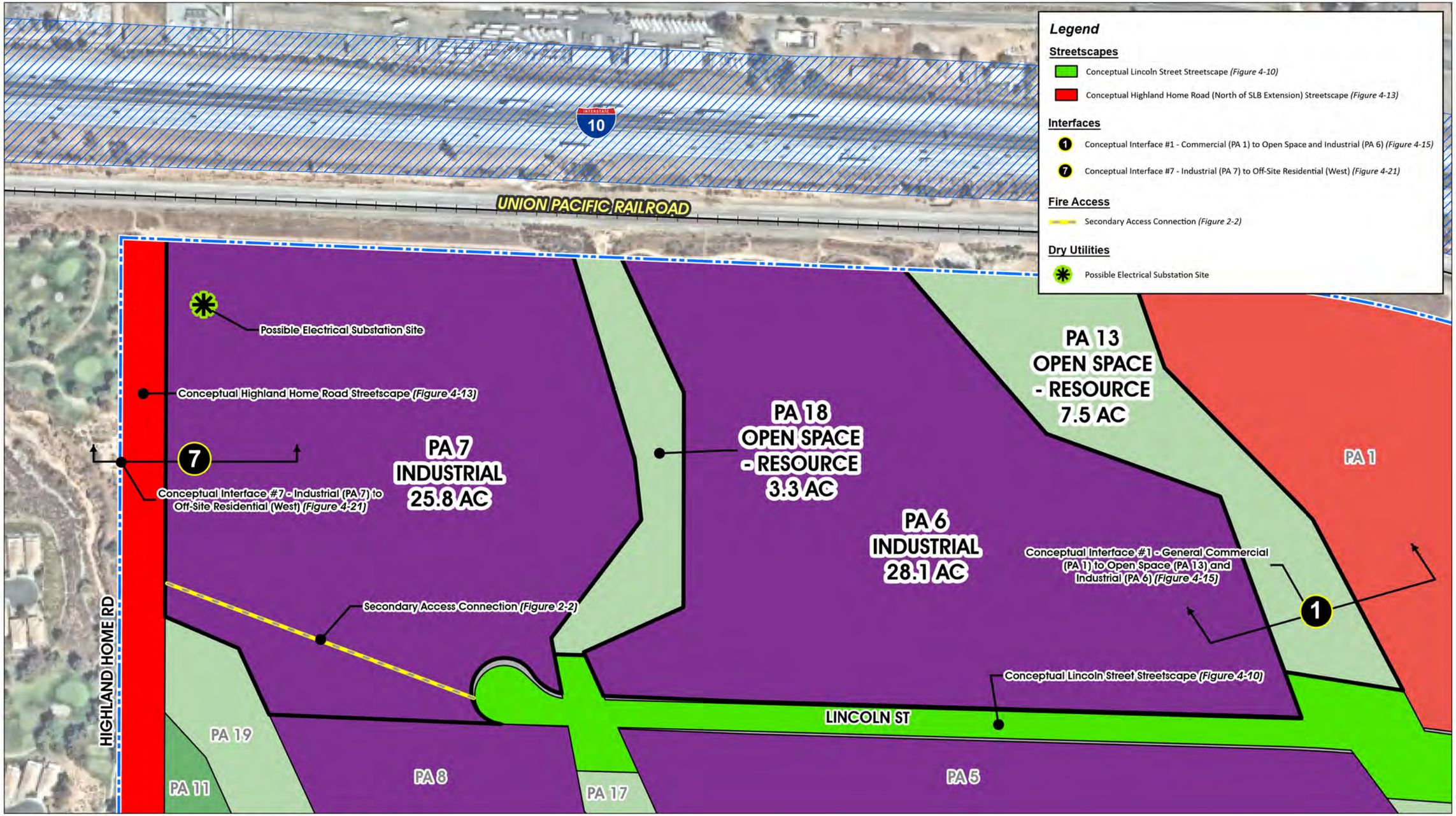
As shown on Figure 3-4, *Planning Areas 6, 7, 13, and 18*, Planning Area 6 is located north of Lincoln Street, between Planning Areas 13 and 18 and is designated for 28.1 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 6 is provided via Lincoln Street. Connections to private driveways and drive aisles within Planning Area 6 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 6 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 6 provides decorative landscaping along its frontage with Lincoln Street as a visual amenity.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 6 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 6 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 6 shall be provided via Lincoln Street, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 6 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Roadway landscape treatments shall be provided along Lincoln Street as conceptually illustrated on Figure 4-10, *Conceptual Lincoln Street Streetscape.*
6. Walls and fencing along the exterior of Planning Area 6 may be provided. The location(s) and type of walls/fences interior to Planning Area 6 will be established in conjunction with development of this Planning Area.
7. Please refer to Section 3.1*, General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
8. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (09-2021), Hunter Landscape (2021)

FIGURE 3-4

3.5.7 PLANNING AREA 7 [INDUSTRIAL (I) – 25.8 ACRES]

a. DESCRIPTION

As shown on Figure 3-4, *Planning Areas 6, 7, 13, and 18*, Planning Area 7 is located west of Planning Area 18 and east of Highland Home Road and is designated for 25.8 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 7 is provided via Lincoln Street with additional access provided via the 24'-wide Secondary Access Connection from Highland Home Road. Connections to private driveways and drive aisles within Planning Area 7 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 7 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 7 may include a City-constructed 1.0-acre Electrical Substation Site in the northwest corner of the site, accessible via a paved 24' access road within Planning Area 7. Planning Area 7 provides an open space, landscaped buffer along its frontage with Highland Home Road as a visual amenity.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 7 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 7 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 7 shall be provided via Lincoln Street, with secondary access via a 24' Secondary Access Connection to Highland Home Road, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 7 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Roadway landscape treatments shall be provided along Highland Home Road as conceptually illustrated on Figure 4-13, *Conceptual Highland Home Road Streetscape.*
6. Walls and fencing along the exterior of Planning Area 7 may be provided. The location(s) and type of walls/fences interior to Planning Area 7 will be established in conjunction with development of this Planning Area.
7. A landscaped transition, a minimum of 100' deep along the western boundary shall be provided between industrial parking areas in Planning Area 7 and the off-site uses located to the west, as conceptually illustrated in Figure 4-21, *Conceptual Interface #7 – Industrial (Planning Area 7) to Off-Site Residential (West).* With the exception of a potential electrical substation, a minimum 100' buffer along the western boundary of Planning Area 7 will be provided and considered during the design and implementation of this Planning Area.
8. Please refer to Section 3.1, *General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.

Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.

3.5.8 PLANNING AREA 8 [INDUSTRIAL (I) – 16.2 ACRES]

a. DESCRIPTION

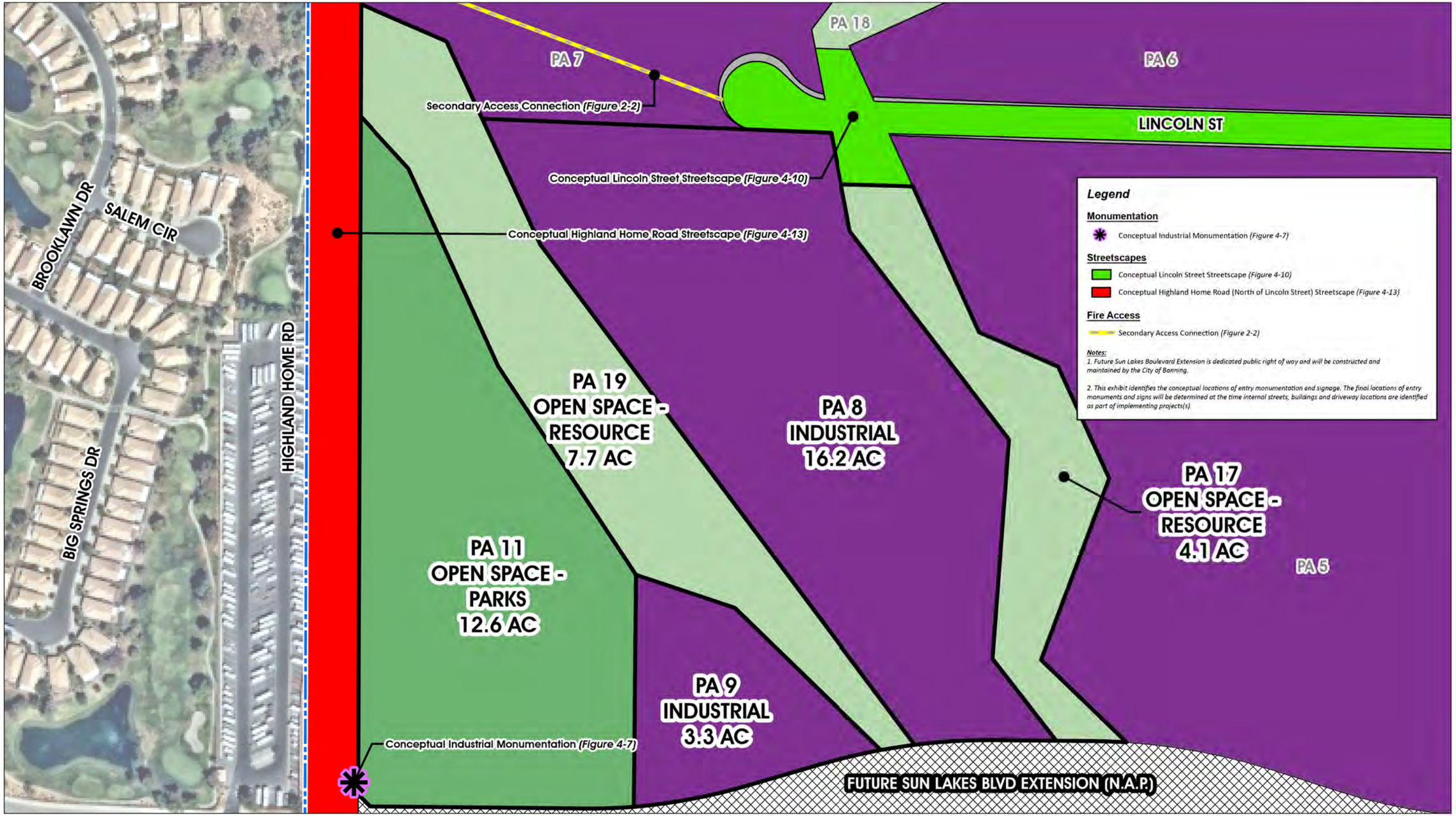
As shown on Figure 3-5, *Planning Areas 8, 9, 11, 17, and 19*, Planning Area 8 is located south of Lincoln Street and north of the SLB Extension, between Planning Areas 17 and 19 and is designated for 16.2 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 8 is provided via Lincoln Street and the SLB Extension. Connections to private driveways and drive aisles within Planning Area 8 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 8 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees. Planning Area 8 provides decorative landscaping along its frontage with Lincoln Street as a visual amenity.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 8 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 8 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 8 shall be provided via Lincoln Street and the SLB Extension via Sunset Avenue, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 8 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Roadway landscape treatments shall be provided along Lincoln Street as conceptually illustrated on Figure 4-10, *Conceptual Lincoln Street Streetscape.*
6. Walls and fencing along the exterior of Planning Area 8 may be provided. The location(s) and type of walls/fences interior to Planning Area 8 will be established in conjunction with development of this Planning Area.
7. Please refer to Section 3.1, *General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
8. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023), Hunter Landscape (2021), ADS (03-21-2021)

FIGURE 3-5

Planning Areas 8, 9, 11, 17 and 19

3.5.9 PLANNING AREA 9 [Industrial (i) – 3.3 acres]

a. DESCRIPTION

As shown on Figure 3-5, *Planning Areas 8, 9, 11, 17, and 19,* Planning Area 9 is located north of the SLB Extension, between Planning Areas 11 and 19 and is designated for 3.3 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 9 is provided via the SLB Extension. Connections to private driveways and drive aisles within Planning Area 9 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 9 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 9 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 9 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 9 shall be provided via the SLB Extension, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 9 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Walls and fencing along the exterior of Planning Area 9 may be provided. The location(s) and type of walls/fences interior to Planning Area 9 will be established in conjunction with development of this Planning Area.
6. Please refer to Section 3.1*, General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
7. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.

3.5.10 PLANNING AREA 10 [INDUSTRIAL (I) – 16.4 ACRES]

a. DESCRIPTION

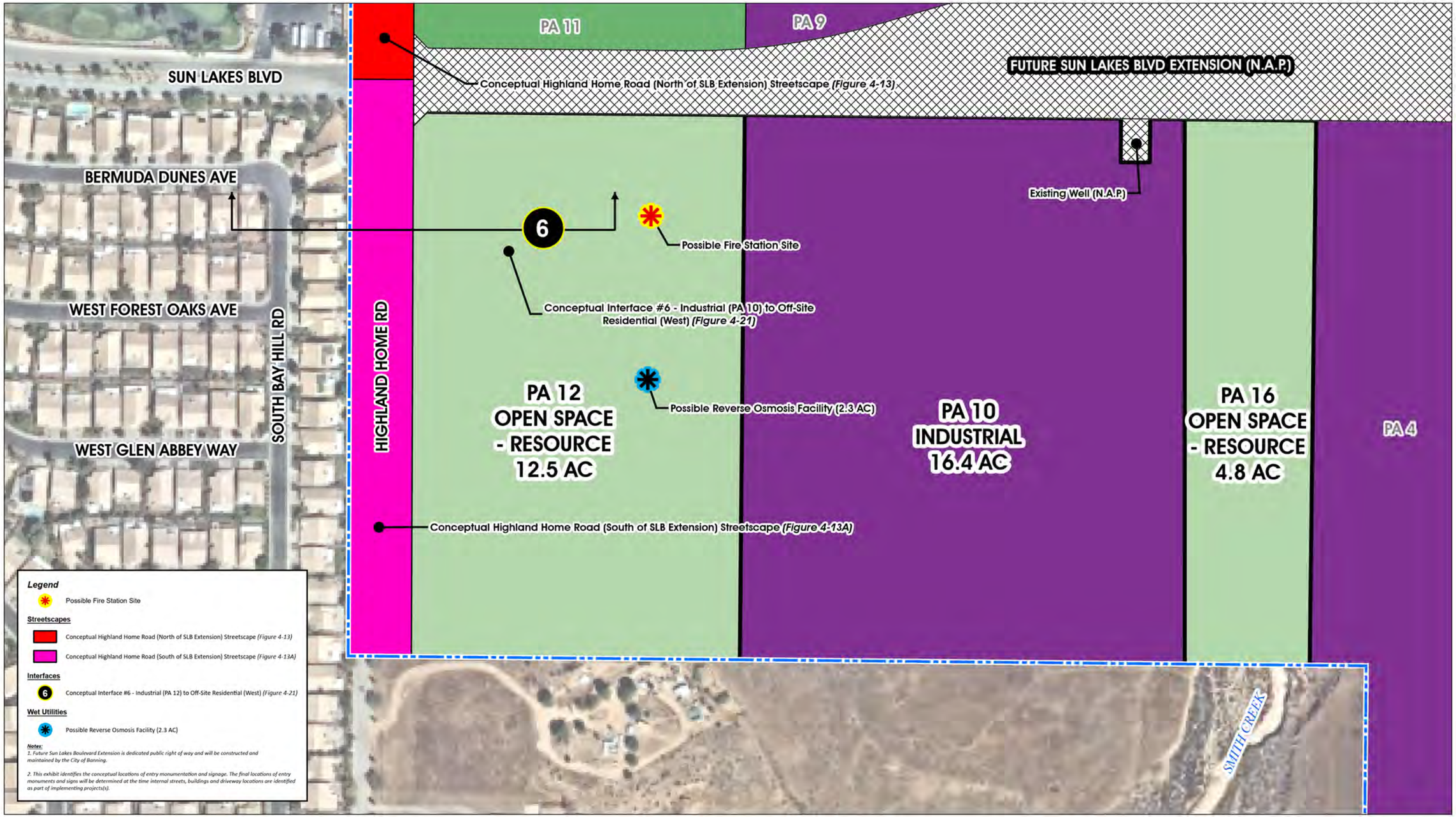
As shown on Figure 3-6, *Planning Areas 10, 12, and 16*, Planning Area 10 is located south of the SLB Extension, between Planning Areas 12 and 16 and is designated for 16.4 acres of Industrial land uses. The full list of Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for this Planning Area is provided in Table 3-1.

Automobile and heavy commercial truck access to Planning Area 10 is provided via the SLB Extension. Connections to private driveways and drive aisles within Planning Area 10 will be designed and provided, as needed, in conjunction with development of this Planning Area.

Planning Area 10 may provide employees with building amenities in proximity to the Industrial uses. Such amenities may include, but are not limited to, shared outdoor patio break areas, pedestrian walkways, seating areas, and overhead structures for use by employees.

b. PLANNING AREA STANDARDS

1. Land uses within Planning Area 10 shall comply with the Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses for Industrial land uses provided in Section 3.2 and shall be consistent with Table 3-1.
2. Planning Area 10 shall comply with the Development Standards for Industrial land uses provided in Section 3.4.
3. Primary access to Planning Area 10 shall be provided via the SLB Extension, as shown on Figure 2-2, *Conceptual Circulation Plan.*
4. The locations of Primary Entry Monumentation and Industrial Monumentation for Planning Area 10 are conceptually illustrated on Figure 4-1, *Conceptual Master Landscape Plan*. The final location(s) of all monumentation will be determined in conjunction with development of this Planning Area and an application submitted within this Specific Plan, and such locations shall be consistent with the Sign Program and Signage Design Guidelines. The Sign Program and Signage Design Guidelines shall provide guidance in determining the final locations of appropriate project, street, building, tenant identification, pedestrian path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses.
5. Walls and fencing along the exterior of Planning Area 10 may be provided. The location(s) and type of walls/fences interior to Planning Area 10 will be established in conjunction with development of this Planning Area.
6. Please refer to Section 3.1*, General Development Criteria,* for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
7. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.



Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023), Hunter Landscape (2021)

FIGURE 3-6

Planning Areas 10, 12 and 16

3.5.11 PLANNING AREA 11 [OPEN SPACE – PARKS (OS-P) – 12.6 ACRES]

a. DESCRIPTION

As shown on Figure 3-5, *Planning Areas 8, 9, 11, 17, and 19,* Planning Area 11 consists of 12.6 acres designated as Open Space-Parks in the western portion of SUNSET CROSSROADS. Planning Area 11 is intended to include a publicly-accessible 5.0-acre passive park, natural open space, fuel modification areas, trails, and landscaping. Planning Area 11 may provide recreational amenities such as, but not limited to, a tot lot playground, picnic tables, trails, walking paths, a parking lot, and restrooms. Open field areas are provided next to the playground and picnic tables, along with a looped walking path which winds through the recreational area. The 5.0-acre park portion of Planning Area 11 will be dedicated to and maintained by the City of Banning, and the remaining open space portion will be maintained by the Master Property Owners' Association or a Public or semi-public Agency.

As shown on Figure 3-5, access to Planning Area 11 is provided from the SLB Extension. Planning Area 11 is bordered by Planning Areas 9 and 19 to the east, the SLB Extension to the south, and Highland Home Road to the west. Planning Area 11 provides a buffer between the Industrial land uses of in Planning Areas 9, and the off-site residential land uses to the west.

b. PLANNING AREA STANDARDS

1. Primary access to Planning Area 11 shall be provided via the SLB Extension, as shown on Figure 2-2, *Conceptual Circulation Plan.*
2. Low-level security lighting may be provided for the park, tot lot playground, trails, parking lot, and restrooms. The trails and parking lot may include bollard lighting while the tot lot playground and restrooms may include security lighting. High intensity sports-field lighting is prohibited.
3. Walls and fencing within Planning Area 11 may be provided as a visual and physical buffer between the off-site residential uses, Industrial Uses, and/or existing natural drainage features. The location(s) of walls/fences interior to Planning Area 11 will be established in conjunction with development of this Planning Area.
4. Please refer to Section 3.1, *General Development Criteria*, for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
5. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.

3.5.12 PLANNING AREA 12 [OPEN SPACE – RESOURCE (OS-R) – 12.5 ACRES]

a. DESCRIPTION

As shown on Figure 3-6, *Planning Areas 10, 12, and 16*, Planning Area 12 consists of 12.5 acres designated as Open Space-Resource within SUNSET CROSSROADS. Planning Area 12 is intended to serve as a buffer for the Sun Lakes residential community to the west and includes open space areas which may contain trails as well as a City-constructed 2.3-acre site for a Reverse Osmosis Facility Site and a 1.5- acre site for a future Fire Station. The open space portions of Planning Area 12 will be dedicated to the City of Banning and maintained by a Master Property Owners' Association or Public Agency.

b. PLANNING AREA STANDARDS

1. Please refer to Section 3.1, *General Development Criteria*, for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
2. A landscaped transition shall be provided between Planning Area 12 and the off-site residential uses located to the south, as conceptually illustrated in Figure 4-20, Interface #6 – Industrial (Planning Area 12) to Off-Site Residential (West).
3. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria

3.5.13 PLANNING AREAS 13, 14, 15, 16, 17, 18, & 19 [OPEN SPACE – RESOURCE (OS-R) – 40.5 ACRES]

b. DESCRIPTION

As shown on Figure 3-2, Figure 3-3, Figure 3-4, Figure 3-5, and Figure 3-6, Planning Areas 13, 14, 15, 16, 17, 18, and 19 consists of a combined 40.5 acres designated as Open Space-Resource within SUNSET CROSSROADS. Planning Areas 13, 14, 15, 16, 17, 18, and 19 are intended to preserve the existing natural drainage features of the Specific Plan site. The Property Owners' Association (POA) will maintain the drainage features consistent with the mitigation requirements, maintain the local interface with the natural drainages and storm drain discharge locations, and maintain access to storm drain outlet structures. Development within Planning Area 13, 14, 15, 16, 17, 18, and 19 shall be limited to grading, bridge crossings, and fuel modification areas.

b. PLANNING AREA STANDARDS

1. Walls and fencing within Planning Areas 13 through 19 may be provided as a visual and physical buffer between the existing natural drainage features and the General Commercial, Industrial, and Open Space-Park land uses. The location(s) of walls/fences abutting Planning Areas 13 through 19 will be established in conjunction with the development of adjacent Industrial and General Commercial Planning Areas, respectively.
2. Please refer to Section 3.1, *General Development Criteria*, for other applicable criteria that apply across the SUNSET CROSSROADS Specific Plan.
3. Please refer to Chapter 4, *Design Guidelines,* for other applicable design criteria.

3.6. ENERGY EFFICIENCY DEVELOPMENT CRITERIA

Development within SUNSET CROSSROADS is expected to be Energy Efficient consistent with or exceeding the criteria from the California Building Code, Title 24 standards which the City has adopted by ordinance. The Developer and City of Banning recognize that the technological and methodological specifications in the criteria could become obsolete in the future due to advancement over time. In that event, SUNSET CROSSROADS may implement new technologies and methodologies if they achieve at least as much environmental protection and do not result in new or greater significant environmental impacts than the technologies or methodologies specified in the following criteria:

1. Energy Efficient Structures
    a. Enhanced Insulation shall be provided via methods such as rigid wall insulation R-15, roof/attic R-30, etc.
    b. Greatly Enhanced Window Insulation with 0.28 or less U-factor, 0.22 or less SHGC, etc. shall be provided.
    c. Modest Cool Roofs with CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance, etc. shall be provided.
    d. Building roofs shall be in compliance with solar requirements of the California Building Code, Title 24 standards.
2. Energy Efficient Heating and Cooling (HVAC)
    a. Improved Efficiency HVAC (EER 14/78% AFUE or 8 HSPF) shall be provided.
    b. Office space heating within warehouses must utilize heat pumps.
3. Energy Efficient Potable Water
    a. Improved Efficiency Water Heater (0.72 Energy Factor) shall be provided.
    b. Water Efficient Showerheads (1.8 gpm) shall be provided.
    c. Water Efficient Toilets/Urinals (1.28 gpm) shall be provided.
    d. Water Efficient Faucets (0.5 gpm for lavatories; 1.8 gpm for kitchens) shall be provided.
    e. Water Efficient Dishwasher (20% water savings) shall be provided.
4. Energy Efficient Appliances
    a. Energy efficient Lights shall be provided.
    b. Occupant sensing lighting that dims to at least 50 percent when unoccupied shall be within the interior areas of warehouses and offices.
    c. Energy Star Commercial Refrigerators and Commercial Dishwashers shall be provided.
5. Energy Efficient Landscaping
    a. Only low water using plants shall be used.
    b. Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water) shall be used.
    c. Graywater (purple pipe) irrigation system shall be provided on site.
6. Energy Efficient Transportation
    a. A Car/vanpool program with preferred parking shall be provided within SUNSET CROSSROADS.
    b. Secure bicycle storage racks or bicycle lockers, and employee lockers will be provided within the industrial land uses

c. Development shall provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles.

d. Larger parking spaces will be provided that can accommodate vans used for ride-sharing programs and reserve them for vanpools and include adequate passenger waiting/loading areas.

e. EV charging stations shall be installed in employee garages/parking areas.

f. Adequate areas for on-site parking, on-site queuing, and truck check-in point will be provided.

g. Development Project installed traffic signals shall be smart signals that can be synchronized and connected to an ITS system.

h. Post signs clearly showing the designated entry and exit points from the public street to the designated onsite truck check-in and truck parking areas.

i. Post signs indicating that all parking and maintenance of trucks must be conducted within the designated onsite areas and not within the surrounding community or public streets.

j. Development Project street improvements will include sidewalks.

k. Development Project will include a marketing strategy to promote the project site employer's CTR (Commute Trip Reduction) program. Information sharing and marketing promote and educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT (Vehicle Miles Traveled). The following features (or similar alternatives) of the marketing strategy are essential for effectiveness.

    a. Onsite or online commuter information services.

    b. Employee transportation coordinators.

    c. Onsite or online transit pass sales.

    Development Project will provide tenant's employees material and online resources as a means to promote the commute trip reduction program. With proper implementation and 100 percent of the employees eligible, this design feature is expected to reduce VMT by 4 percent.

l. Development Project will provide a ridesharing program and establish a permanent transportation management association with funding requirements for employers. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips and VMT. Ridesharing must be promoted through a multifaceted approach. Examples include the following

    a. Designating a certain percentage of desirable parking spaces for ridesharing vehicles.

    b. Designating adequate passenger loading and unloading and waiting areas or ridesharing vehicles.

    c. Providing an app or website for coordinating rides.

    Development Project as designed, will provide carpool/vanpool/EV parking designated spaces in locations of easy and convenient accessibility to the Project building. As calculated for the Project, with proper implementation and 100 percent employees eligible, the Project is expected to reduce VMT by four percent.

DESIGN GUIDELINES

4

CHAPTER FOUR establishes the quality and character of the built environment through the design of architecture and landscaping for the master-planned development of SUNSET CROSSROADS.



4.1 PURPOSE AND INTENT

4.2 DESIGN THEME

4.3 INDUSTRIAL ARCHITECTURAL GUIDELINES

4.4 GENERAL COMMERCIAL ARCHITECTURAL GUIDELINES

4.5 SIGNAGE DESIGN GUIDELINES

4.6 LANDSCAPE DESIGN GUIDELINES

CHAPTER 4 | DESIGN GUIDELINES

4.1 PURPOSE AND INTENT

The Design Guidelines presented in this section establish the quality and character of the built environment for the master-planned development of SUNSET CROSSROADS. While the Design Guidelines provide direction, they are simultaneously intended to provide a certain level of flexibility to allow creative expression during the design of implementing development projects.

The Design Guidelines provide criteria for architecture, landscape design, signage, lighting, and energy efficiency.

SUNSET CROSSROADS' visual identity will be expressed primarily through building form, colors and materials, along with landscape, hardscape, and signage elements. The Design Guidelines contained herein are presented in a manner that ensures consistent, coherent architectural and landscape architecture expression across the Specific Plan area, while allowing for flexibility in response to the modern-day reality of continuously evolving building design.

The objectives of the Design Guidelines are:

- To describe the thematic elements and the construction quality expected for SUNSET CROSSROADS.
- To provide the City of Banning with assurance that SUNSET CROSSROADS will be developed in accordance with the quality and character described within this Specific Plan.
- To serve as a guide to developers, builders, engineers, architects, landscape architects, and other professionals involved with implementing development within SUNSET CROSSROADS, in order to achieve and maintain the desired design quality.
- To provide an aesthetic benchmark for the City of Banning to use in their review of future applications submitted within this Specific Plan within the Specific Plan.
- To provide a baseline for SUNSET CROSSROADS to convey a contemporary aesthetic theme and character while allowing flexibility for practical application and creative expression.
- To encourage the implementation of energy efficiency design features that can be implemented in the site planning, design, and construction phases of the Specific Plan to minimize waste deposited at landfills, decrease energy use and particularly fossil fuel consumption, and reduce water consumption.
- To ensure that the Specific Plan implements the intent of the City of Banning General Plan and applicable City Ordinances.

The Design Guidelines presented in this section apply to all development within SUNSET CROSSROADS, regardless of the land use category. All photographs, illustrations, and diagrams contained in these Design Guidelines serve as visual aids to convey the overall theme. Exact replication of the examples is neither required nor anticipated.

4.2 DESIGN THEME

The SUNSET CROSSROADS Specific Plan is a contemporary employment and commercial center containing General Commercial, Industrial, Open Space - Parks, and Open Space - Resource land uses. The design goal of SUNSET CROSSROADS is to achieve contemporary interpretations of historical styles rather than exact recreations. Architectural design creativity, attention to detail, and respect of the building's scale and massing along public roadways will be expected to be a level equal to or exceeding the General Commercial and Industrial uses within the City of Banning. The property's location provides the businesses located here with access to the regional transportation network, proximity to a work force, proximity to the Ports of LA and Long Beach, and visibility to passers-by traveling on Interstate 10. A cohesive design theme for SUNSET CROSSROADS is created for the General Commercial and Industrial land uses to maintain design continuity throughout the Specific Plan area.

The SUNSET CROSSROADS SPECIFIC PLAN establishes 47.9 acres of General Commercial designated area. Envisioned as a health and wellness-focused recreation, restaurant, and hospitality destination within the City of Banning, SUNSET CROSSROADS combines these uses within a carefully designed and cohesive architectural and landscape theme. The Specific Plan also establishes 392.0 acres of Industrial land uses, featuring a contemporary aesthetic, which provides architectural styling with attractive detailing, steel accents, a light-toned color palette, and timeless features. Design elements are included to reduce the visibility and intensity of the industrial activities, including walls, landscaping, and building design. Signs are modern, lighting is focused and directed, landscaping is colorful and drought- tolerant, and design features are applied that lower energy use demands of building operations.



Although provided for illustrative purposes only, the image above conceptually shows the design theme for General Commercial uses within SUNSET CROSSROADS.

4.3 INDUSTRIAL ARCHITECTURAL GUIDELINES

The architectural style of Industrial uses within SUNSET CROSSROADS emphasizes a contemporary interpretation of the traditional context with building massing over structural articulation. Buildings are characterized by simple and distinct cubic masses with interlocking volumes of wall planes, colors, and materials to create visual appeal, aesthetically pleasing proportions and strong shadow patterns. Colors, materials, and textures can be mixed to create additional visual interest.

Design elements are selected to be compatible in character, massing, and materials to promote a clean and contemporary feel. Individual creativity and identity are encouraged, but design integrity and compatibility must be maintained among all buildings and between Planning Areas, to reinforce a unified image within SUNSET CROSSROADS.

4.3.1 BUILDING FORM

Building "form" is one of the primary elements of architecture. Numerous design aspects, including shape, mass (size), scale, proportion, and articulation, are elements of a building's form. Building forms are especially important for building façades that are visible along the following view corridors:

- Building façades in Planning Areas 2, 3, and 4 that are visible from Sunset Avenue.
- Building façades in Planning Areas 2, 3, 4, 5, 8, 9, and 10 that are visible from the SLB Extension.
- Building façades in Planning Area 4 that are visible from Bobcat Road and the off-site residential to the south.
- Building façades in Planning Areas 6 and 7 that are visible from Interstate 10.
- Building façades in Planning Areas 7, 8, 9, and 10 that are visible from Highland Home Road, and the off-site residential community to the west.

The following guidelines are intended to ensure that structural development is visually consistent, aesthetically appealing, and inviting to the site's business owners and employees, their visitors and customers, as well as passing motorists. Note that building façades that orient inward to truck courts or service areas or that are not clearly visible from abutting public roads, or are not abutting publicly accessible viewing areas, are still encouraged to incorporate these Building Form guidelines.



Although provided for illustrative purposes only, the image above conceptually shows the Industrial building form of SUNSET CROSSROADS.

(1) Use simple geometric shapes as the overall building form. Rectangular forms are encouraged to promote balance and visual interest. Avoid arbitrary, complicated building forms.

(2) Long horizontal wall planes visible from a public street should include a combination of periodic changes in exterior building materials, color, decorative accents, and articulated features.

(3) Modulation and variation of building masses between adjacent buildings visible from public streets is encouraged.

(4) Pedestrian entrances to buildings (with the exception of service doors and emergency exit doors) should be obvious, using changes in massing, color, and/or building materials.

(5) Pedestrian and ground-level building entries intended for visitor use should be recessed or covered by architectural projections, roofs, or arcades in order to provide shade and visual relief.

(6) Architectural and trim detailing on building façades should be clean, simplistic, and not overly complicated.

(7) Materials applied to any elevations should turn the corner of the building and continue to a logical termination point in relation to other architectural features or massing.

4.3.2 BUILDING MATERIALS, COLORS, AND TEXTURES

Building materials and colors play a key role in developing a clean, contemporary visual environment; therefore, the selected exterior materials, colors, and textures should complement one another throughout SUNSET CROSSROADS. Slight variations are encouraged to provide visual interest.



Although provided for illustrative purposes only, the image above conceptually shows the Industrial building materials and colors of SUNSET CROSSROADS.

(1) Appropriate primary exterior building materials include concrete and similar materials, as well as tilt-up panels. The primary materials should be accented by secondary materials including but not limited to natural or fabricated stone, fire resistant wood siding (horizontal or vertical), and metal.

(2) Trim details may include metal finished in a consistent color, plaster, or concrete elements finished consistently with the building treatment. Use of overly extraneous "themed" detailing, like oversized or excessive foam cornice caps, foam molding and window detailing is discouraged.

(3) Material changes should occur at intersecting planes, preferably at the inside corners of change of wall planes, or where architectural elements intersect.

(4) Primary exterior building colors should be light and warm tones. Darker and/or more vibrant accent colors should be provided in focal point areas, such as around building entrances and near outdoor gathering spaces.

(5) Bright primary colors, garish use of color and arbitrary patterns or stripes that will clash with the color palette are discouraged, except in signage logos.

(6) Exposed downspouts, service doors and mechanical screen colors should be the same color as the adjacent wall.

4.3.3 WINDOWS AND DOORS

The patterns of window and door openings should correspond with the overall rhythm of the building and should be consistent in form, pattern, and color within each Planning Area. Guidelines for windows and doors within SUNSET CROSSROADS are as follows:



Although provided for illustrative purposes only, the image above conceptually shows the design of windows and doors for Industrial buildings within SUNSET CROSSROADS.

(1) When possible, the positioning of doors and windows on individual building façades should occur in a symmetrical and repetitive pattern to create continuity.

(2) Window styles and trims should be consistent in form and color in each Planning Area. Window trims should be finished in a consistent color on each building.

(3) Gold or unfinished/untreated metal window or door frames are prohibited. Clear silver anodized frames are allowed.

(4) Glass should be clear or colored with subtle reflectiveness. Silver glass is prohibited.

(5) Pedestrian entry doors to buildings should be clearly defined by features such as overhangs, awnings, and canopies or embellished with decorative framing treatments – including but not limited to accent trim. Dark and confined entries, flush doorways (except emergency exit and service doors), and tacked-on entry alcoves are discouraged.

(6) When necessary, to meet Riverside County Fire Code Standards, no windows are required.

4.3.4 WALLS AND FENCES

The following guidelines for walls and fencing will ensure that these features complement the overall SUNSET CROSSROADS design theme, and are attractive from public viewing areas, scaled appropriately, durable, and integrated consistently within the Specific Plan area.

(1) Freestanding walls and fences should not exceed a height of fourteen (14') feet, measured from the base of the wall/fence to the top of wall/fence. For walls and fences that exceed a height of fourteen (14') feet, modifications up to one (1') foot are considered a Minor Modification pursuant to Section 5.2.3.7. Modifications of more than one (1') foot may be approved by the Community Development Director pursuant to Section 5.2.3.9.

(2) Landscaped berms may be used in combination with walls or fences. When this occurs, the height of the berm may be in addition to the wall or fence height.

(3) Landscaping may be used for visual screening instead of walls and fences in locations where a solid physical barrier is not needed.

(4) Walls and fences in public view should be built with attractive, durable materials including but not limited to tubular steel, vinyl, or coated chain-link.



Although provided for illustrative purposes only, the image above conceptually shows the design of walls and fences around the perimeter of Industrial buildings within SUNSET CROSSROADS.

(5) Along public street frontages, long expanses of wall surfaces should be offset and/or architecturally treated to prevent monotony. Techniques to accomplish this may include, but are not limited to: openings, material changes, pilasters and posts, and staggered sections.

(6) Wall and fencing materials should be compatible with other design elements of SUNSET CROSSROADS.

4.3.5 TRUCK COURTS AND LOADING DOCKS

Although provided for illustrative purposes only, the image below conceptually shows the design of truck courts and loading docks within SUNSET CROSSROADS.



(1) Loading doors, service docks, and equipment areas should be oriented or screened to reduce visibility from public roads within SUNSET CROSSROADS. Where these loading areas face toward and are within 100' of public roads (measured from edge of pavement to edge of public sidewalk), screening should be provided. Screening may be accomplished with any combination of solid walls, fences, or landscaping that are compatible with the architectural expression of the building.

(2) No loading or unloading activity is permitted to take place from public streets.

(3) Truck and service vehicle entries should be designed to provide clear and convenient access to truck courts and loading areas such that passenger vehicle, pedestrian, and bicycle circulation is not adversely affected by truck movements.

(4) Loading bays that are utilized by refrigerated trailers should have dock seals and be equipped with plug-in electrical outlets.

(5) Conduit should be installed in truck courts in logical locations that would allow for the future installation of charging stations for electric trucks, in anticipation of this technology becoming available in the lifetime of SUNSET CROSSROADS.

(6) Electrical rooms to hold sufficiently sized electrical panels should be installed to facilitate the future potential installation of electrical connections from the electrical room to dock doors and/or a separate designated location where diesel engine trucks and/or trailers for freezer/refrigerated warehouse space would park and connect to the electrical system.

4.3.6 GROUND OR WALL-MOUNTED EQUIPMENT



Although provided for illustrative purposes only, the image above conceptually shows the screening of equipment for Industrial buildings within SUNSET CROSSROADS.

(1) Ground-mounted equipment, including but not limited to mechanical or electrical equipment, emergency generators, boilers, storage tanks, risers, and electrical conduits, should be screened when feasible from public viewing areas including adjacent public roads. Screening may be accomplished with solid walls, fences, or landscaping.

(2) Electrical equipment rooms should be located within the building envelope. Pop-outs or shed-like additions are discouraged.

(3) Wall-mounted items, such as roof ladders or electrical panels, should not be located on the building façade facing abutting public roads. Wall-mounted items should be screened or incorporated into the architectural elements of the building so as not to be visually apparent from the street or other public areas.

4.3.7 ROOFTOP EQUIPMENT

(1) Rooftop equipment, including but limited to mechanical equipment, electrical equipment, storage tanks, cellular telephone facilities, satellite dishes, vents, exhaust fans, smoke hatches, and mechanical ducts, should be screened by rooftop screens or parapet walls so as not to be visible from abutting public roads, and publicly accessible locations within SUNSET CROSSROADS.

(2) Integrate rooftop screens (i.e., parapet walls) into the architecture of the main building. Wood finished rooftop screens are prohibited.

(3) Design the roofs of Industrial buildings to support the future installation of solar panels.

4.3.8 OUTDOOR EMPLOYEE AMENITIES

(1) Bicycle racks, lockers, and/or storage should be provided at each building or in a common area that serves multiple buildings to encourage non-vehicular circulation.

(2) Industrial buildings may include patio break areas, pedestrian walkways, seating areas, and overhead structures so that workers do not have to travel off-site for outdoor enjoyment.



Although provided for illustrative purposes only, the image to the right conceptually shows the location of bike racks at entrances to Industrial buildings within SUNSET CROSSROADS.

4.3.9 OUTDOOR LIGHTING

Outdoor lighting of SUNSET CROSSROADS is an essential architectural component that provides aesthetic appeal, enhances safe pedestrian and vehicular circulation, and adds to security. Lighting within the public rights-of-way shall adhere to any applicable City of Banning outdoor lighting standards.

Lighting on private property in the Specific Plan should adhere to the following guidelines.



Although provided for illustrative purposes only, the image above conceptually shows the design and locations of lighting for Industrial buildings within SUNSET CROSSROADS.

(1) Minimize glare and "spill over" light onto public streets, open space, Interstate-10, and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other means of illumination for structures, parking, loading, unloading, and similar areas.

(2) Select all lighting fixtures used in the Specific Plan area from the same – or complementary – family of fixtures with respect to design, materials, fixture color, and light color. Use of LED lighting is encouraged.

(3) Lights should be unbreakable plastic, recessed, or otherwise designed to reduce the problems associated with damage and replacement of fixtures.

(4) Neon and similar types of lighting are prohibited except as part of advertising signage within SUNSET CROSSROADS.

(5) Locate all electrical meter pedestals and light switch/control equipment in areas with minimum public visibility or screen them with appropriate plant materials.

(6) Illuminate parking lots, loading dock areas, pedestrian walkways, building entrances, and public sidewalks to the level necessary for building operation and security reasons. Dimmers and motion detectors are permitted.

(7) Along sidewalks and walkways, the use of low mounted fixtures (ground or bollard height) is encouraged.

(8) Use exterior lights to accent entrances, plazas, activity areas, and special features.

(9) To illuminate parking lots or parking structures and their pedestrian links that provide more than five parking spaces for use by the general public, provide a minimum coverage of one foot-candle of light with a maximum of eight foot-candles on the parking or walkway surface, unless otherwise approved by the City of Banning for visibility and security.

(10) To illuminate aisles and passageways within a building complex, provide a maximum of one-half to one foot-candle of maintained lighting.

(11) High Pressure Sodium (HPS) light fixtures are prohibited for site lighting.

(12) All sign lighting should be consistent with the Signage Design Guidelines.

4.3.10 REFUSE CONTAINERS AND OTHER OUTDOOR STORAGE

(1) Refuse enclosures and equipment should be easily accessed by service vehicles, with enclosures and equipment located within a building's facade or within a screened enclosure.

(2) The enclosure's design should reflect the architectural style of adjacent buildings and use similar, high-quality materials.

(3) Landscaping or trellis work should screen enclosures visible from a street or connecting walkway and should be permanently maintained.

(4) Outdoor storage areas should be located away from the street, behind or to the side of buildings. In addition to locating storage areas away from streets, walls or permanent landscaping should be used to screen stored materials.

4.3.11 SUPPLEMENTAL GUIDELINES FOR INDUSTRIAL USES

This section sets forth additional guidelines that address the design of building sites and considerations for all uses permitted within the Industrial land uses (Planning Areas 2 through 10).



Although provided for illustrative purposes only, the image above conceptually shows the design of Industrial buildings within SUNSET CROSSROADS.

(1) Locate the office portion of warehouse buildings at the corner(s) of the building. For buildings taking access from Sunset Avenue, Lincoln Street, and the SLB Extension, orient the office toward these roads to provide visual interest from the public roadway.

(2) Orient and screen elements such as outdoor storage, ancillary fueling, ancillary services, trash enclosure areas in ways that minimize their visibility from Sunset Avenue, the SLB Extension, Highland Home Road, Bobcat Road, and off-site residential uses.

(3) Site design should specifically address the needs of pick-up, delivery, and service vehicles associated with Industrial uses.

    a. Design interior driveways and drive aisles to provide adequate stacking and prevent queuing of vehicles on public streets.

    b. Locate and design service entrances so they do not interfere with owner/tenant/customer access.

    c. Design loading areas to provide for tractor trailer backing and maneuvering on-site and not from a public street.

    d. Provide appropriate on-site service vehicle parking/turnouts in an efficient, non-obtrusive location appropriate to the scale and needs of the development.

    e. Vehicle loading/unloading when parked, should not impede normal traffic flow.

(4) Architectural design of Industrial buildings may be utilitarian in form; however, the design should complement the SUNSET CROSSROADS overall design theme.

(5) Textured forms, reveals, or scoring on concrete tilt-up panels is recommended for visual relief and to create a base and cornice expression; however, smooth panels with color variation may be used in lieu of textured finishes.

(6) Use primary roof forms that are flat or gently sloping. The ridge line elevation of the primary roof form should not exceed the parapet wall. Change of parapet height is strongly encouraged.

(7) Avoid the use of arched gable, hip and shed roof forms as a primary roof form. These roof forms may be used as a secondary/accent roof form.

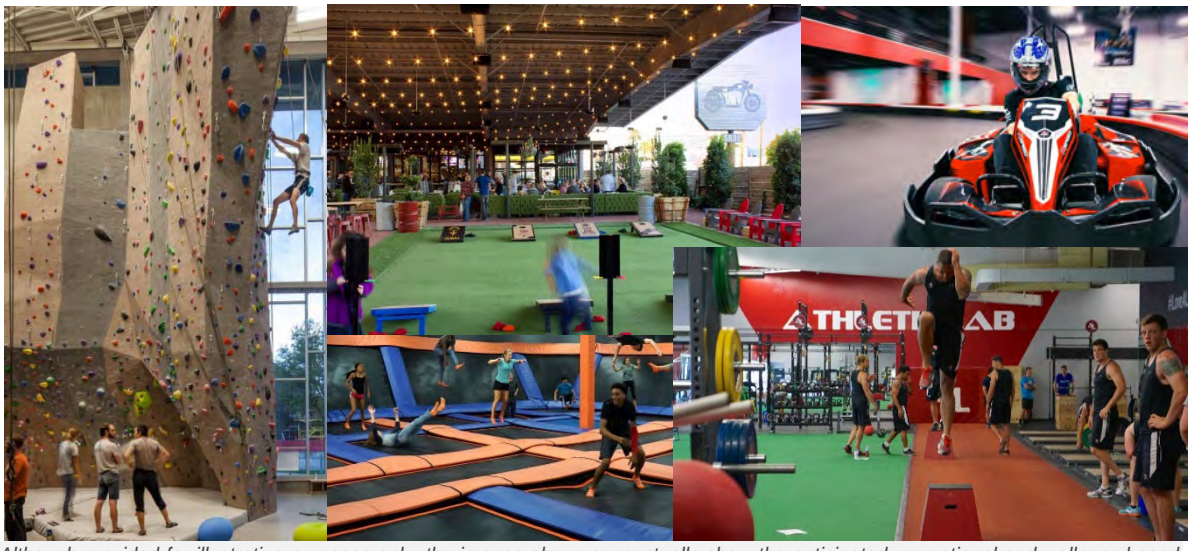
(8) With the exception of solar panels, screen or obscure all rooftop mounted equipment, where required, from public view using landscaping or materials complementary to those used on the main structure.

4.4 GENERAL COMMERCIAL ARCHITECTURAL GUIDELINES



Although provided for illustrative purposes only, the image above conceptually shows the design of General Commercial buildings within SUNSET CROSSROADS.

The goal of the General Commercial Architectural Guidelines is to promote visual compatibility and individuality within SUNSET CROSSROADS. These guidelines do not require rigid adherence to style descriptions but are intended to assist in establishing the design direction and the quality of the end product. Achieving variety and diversity in the General Commercial architecture is a key objective for SUNSET CROSSROADS. The intent of the Design Guidelines is to provide a framework for development over time, while maintaining maximum flexibility and thematic consistency to accommodate a wide variety of uses. For inspiration, SUNSET CROSSROADS has embraced compatible architectural styles that have historical precedence in Southern California and throughout the world and are capable of contemporary interpretation and variation in a modern master planned environment. The intent is to avoid monotonous architecture, while encouraging the application of detail and materials authentic to the spirit and character of the Specific Plan.



Although provided for illustrative purposes only, the images above conceptually show the anticipated recreational and wellness-based uses within the General Commercial areas of SUNSET CROSSROADS.

4.4.1 DESIGN PRINCIPLES

(1) Site planning design principles are not intended to restrict taste or preference but are designed to avoid harsh contrasts and to foster harmony of development. For example, within parking lots, all ingress and egress locations should be designed to reduce impacts on the circulation system.

(2) Ground floors of buildings adjacent to internal streets should be placed adjacent to the street edge to encourage pedestrian activity.

(3) Free-standing buildings are encouraged to be grouped around a common focal point or design feature.

(4) Open areas should be large enough to be usable, but not so large as to appear empty.

(5) Major tenants or individual buildings at key locations should incorporate public plazas at focal points and at activity centers. Use of park areas and water elements in selected areas is encouraged.

(6) Plazas and courtyards are encouraged to be used as transition areas between public and private spaces.

(7) Continuity should be maintained through the use of unified or complementary pedestrian amenities, landscaping and similar design features.

(8) Alternative paving or other design features should be used to provide for separation of pedestrian and vehicular circulation within the same right-of-way.

4.4.2 BUILDING PLOTTING CONCEPTS

(1) Buildings should be oriented to take best advantage of arterial visibility.

(2) When planning the interior vehicular circulation and parking, a hierarchy should be developed to help with traffic flow.

(3) Building masses should be articulated to avoid long straight building façades and create enclosed courtyards and pedestrian spaces where possible.

4.4.3 STREETSCENE

(1) To allow for comfortable pedestrian spaces, the Specific Plan should provide adequate separation between parking and storefronts.

(2) The distance along the face of the building should be varied to provide visual interest.

(3) Loading zones should be site planned to avoid exposure to adjacent public streets.



Although provided for illustrative purposes only, the image above conceptually shows the streetscene of General Commercial uses within SUNSET CROSSROADS.

(4) Exterior storage areas and trash enclosures should be planned to minimize the exposure of such elements.

(5) Parking areas should be planned to allow for landscaping or low, decorative walls or a combination thereof.

(6) Entries to service and delivery areas should be separated from parking areas where possible.

4.4.4 BUILDING DESIGN, MASS, AND SCALE

(1) Architecture should be comprised of simple and distinct masses. Masses should be expressed with clean, sharp edges and corners. A simple hierarchy should be established among the various masses.

(2) Commercial buildings should be designed as a complementary addition to the overall theme established throughout SUNSET CROSSROADS.

(3) Dramatic departures in form, scale, and style should not be permitted.

(4) Buildings should be designed to create smooth transitions in scale through the use of low and mid-rise building forms or through the use of terraced elevations.



Although provided for illustrative purposes only, the image above conceptually shows the building design of General Commercial uses within SUNSET CROSSROADS.

(5) Long, uniform façades should be avoided by creating visual interest through the use of courtyards, varied building setbacks, arcades, windows and towers.

(6) Buildings should be designed to locate high activity uses, such as restaurants and entertainment facilities, adjacent to major pedestrian ways.

(7) Outdoor uses are strongly encouraged along pedestrian ways, as well as providing the highest level of detail and interest at ground level.

(8) Canopies, awnings, and trellises are encouraged to define pedestrian ways and to offer protection from the elements.

(9) Architectural elements and accessories should be provided on the building mass, including but not limited to, arcades, balconies, towers, colorful banners, and decorative lighting features.

(10) Roof lines should be articulated with shorter elements to reduce building mass. Occasional sloped roof forms should be introduced over special areas and special functions to create visual interest.

4.4.5 BUILDING MATERIALS AND COLORS

(1) The commercial area is an integral part of SUNSET CROSSROADS, and the materials and colors should be compatible with the surrounding development. Color is intended to act as a primary theme-conveying element and will be reflective of the architectural style.

(2) Building materials should be durable and convey a sense of permanence. The textural and material quality of building's facade is important. Traditional materials including stone, brick, concrete, precast concrete, metal, block,

and stucco should be used creatively to provide a sense of permanence. Combined with architectural details, landscape, and hardscape, the buildings can create a sense of connectivity to the pedestrian-oriented streetscene.

(3) Exterior building materials should be of natural character that would reflect the rural character of the surrounding environment. Contemporary materials are acceptable if they are compatible with the surroundings and are used for creating interest.

(4) Color is intended as a primary theme element of the community consistent with indigenous elements of the environment. Accents are encouraged which are lighter or darker to highlight the character of the structure. Bright and non-earth tone colors are not encouraged except as accents.

Although provided for illustrative purposes only, the image below conceptually shows a mixture of building materials and colors used on the General Commercial buildings within SUNSET CROSSROADS.

Building Material Palette



Building Color Palette



4.4.6 ROOF FORM AND MATERIALS

(1) Principal roof forms should be gable or hip with pitches.

(2) All roof material should ensure continuity in texture, color and character to the architectural styles.

(3) The design should create interesting building masses by varying rooflines and by maximizing offsets to roof planes where possible. Combining single-story elements with two-story elements is encouraged.

(4) Flat roofs with parapet walls are acceptable but should be used in combination with simple pitched gable, hip or shed roof forms.

(5) Mechanical equipment, other than solar panels, on roofs should be screened from view of I-10, public roadways, and adjacent residential homes, to the extent practical, and should consist of materials consistent with those of the building.

4.4.7 WINDOWS AND DOORS

(1) Recessed doors, windows and wall openings emphasizing massive wall thickness are characteristic elements of the allowed architectural styles. Fully recessed door and window openings are encouraged as well as embellished framing treatments of both to add articulation to the wall surface.

(2) Consideration should be taken to relate interior building design to pedestrian spaces through generous use of glazing in doors and windows.

(3) Other enhancements which are encouraged are: recessed windows and doors to create shade and wall articulation, arched windows and doorways, decorative treatments, accent trim or tile at doorways, banded windows to emphasize the horizontal, glazing which follows roof pitch, canvas awnings with complementary accent colors, and wrought iron accents.

(4) Silver or gold window or door frames, reflective glass or awnings, and metal awnings are all discouraged.

4.4.8 PARKING/VEHICULAR CIRCULATION

(1) Parking lots should generally be placed away from the street, preferably behind buildings.

(2) Adequate areas for maneuvering, loading, and emergency vehicle access should be accommodated on site.

(3) Parking areas should be arranged to minimize conflicts with commercial loading activities

(4) Large parking lot areas should be divided into a series of smaller connected lots separated by additional landscaping and buildings.

(5) Commercial loading and parking should generally be located to the side and rear of buildings with the exception of handicap and short-term parking lots which may be sited between the street and building entrances.

4.4.9 SERVICE, LOAD, AND EQUIPMENT AREAS

(1) Storage for supplies, merchandise, and similar materials should be prohibited on the roofs of any buildings.

(2) Service, loading, and storage areas should be separated from pedestrian and private automobile circulation whenever practical to do so.

(3) Service areas, loading docks, and equipment areas should be screened from views either by locating these uses within a building or by screening them with landscaping, walls, fences, or other architectural treatments.

(4) For screening of loading, service, and/or storage areas to be effective, a minimum treatment height of six (6) feet should be used.

4.4.10 OUTDOOR LIGHTING

Outdoor lighting of SUNSET CROSSROADS is an essential architectural component that provides aesthetic appeal, enhances safe pedestrian and vehicular circulation, and adds to security. Lighting within the public rights-of-way shall adhere to any applicable City of Banning outdoor lighting standards.

Lighting on private property in the Specific Plan shall comply with the Development Standards in this Specific Plan and should adhere to the following guidelines.

(1) All outdoor lighting, including spotlights, floodlights, electrical reflectors, and other means of illumination for structures, landscaping, parking, loading, unloading, and similar areas should be focused, directed, and arranged to prevent glare and illumination on streets or adjoining property.

(2) Low intensity, energy conserving night-lighting is preferred.

(3) No freestanding lighting fixtures should exceed 30 feet in height.

(4) Service area lighting should be contained within the service yard boundaries and enclosure walls. No light spillover should occur outside the service area.

(5) No specific design is prescribed and variations in treatments should be allowed; however, light fixtures and standards should be coordinated along public rights-of-way and within the commercial area.

(6) Parking lot lighting should provide adequate illumination for the safety of visitors while minimizing glare into adjacent property and uses.

(7) Energy conservation, safety, and security should be emphasized during the designing and siting of project lighting.

(8) Light standards should blend architecturally with buildings, pedestrian areas, other hardscape elements, and street furniture. Non-decorative wall-pacs and light standards should not be permitted.

(9) Parking areas should use lighting standards and fixtures that are consistent with and a continuation of the character of the development and structures.

(10) Exposed neon should not be permitted. All neon tubes should be hidden from view.



Although provided for illustrative purposes only, the image above conceptually shows the design of lighting within the General Commercial areas of SUNSET CROSSROADS.

4.4.11 REFUSE CONTAINERS AND OTHER OUTDOOR STORAGE

(1) Refuse enclosures and equipment should be easily accessed by service vehicles, with enclosures and equipment located within a building's facade or within a screened enclosure.

(2) The enclosure's design should reflect the architectural style of adjacent buildings and use similar, high-quality materials.

(3) Landscaping or trellis work should screen enclosures visible from a street or connecting walkway and should be permanently maintained.

(4) Shopping cart storage areas should be integrated within the initial building and site design. Large freestanding enclosures or unscreened "cart corrals" are not encouraged but should be allowed if they are constructed as a permanent structure and architecturally consistent and include landscape treatment such as vines or planters.

(5) Outdoor storage areas should be located away from the street, behind or to the side of buildings. In addition to locating storage areas away from streets, walls or permanent landscaping should be used to screen stored materials.

4.4.12 SUPPLEMENTAL GUIDELINES FOR GENERAL COMMERCIAL

This section sets forth guidelines that address the design of building sites and considerations unique to the General Commercial uses within SUNSET CROSSROADS (Planning Area 1).

(1) Orient buildings to have tenant visibility from internal streets.

(2) Free-standing architectural treatment may be used in front of building walls to create layering.

(3) Use simple building forms and maximize the play of light on mass and void to provide strong contrasts. Blank walls should be carefully balanced with glass and wall areas.

(4) Position lower building masses, signage, doors, light fixtures, and/or landscape planters adjacent to pedestrian entries, particularly entries that may face internal streets to create human-scaled development at these locations.

(5) Orient primary building entrances away from off-street parking areas.

(6) Provide well-defined pedestrian connections from parking areas to building entrances.

(7) The use of towers and well-proportioned building elements (arcades, colonnades, recesses, etc.) are encouraged to define entries and create pedestrian scale.

(8) Design architectural details (rafter tails, gabled towers, column detail, stone base, etc.) in a modern contemporary aesthetic.

(9) Locate service entrances such that they do not interfere with owner/tenant/customer access.

(10) Design loading areas to provide for backing and maneuvering on-site.

(11) Provide appropriate on-site service vehicle parking/turnouts in an efficient, non-obtrusive location suitable to the scale and needs of the development. Service and delivery/loading areas should be separated from customer parking areas and pedestrian circulation areas (walkways, pathways, etc.).

(12) Where feasible, provide clearly delineated pedestrian paths from the sidewalks on Sunset Avenue and Lincoln Street to hospitality, restaurant and recreation land uses constructed within the General Commercial areas.

Although provided for illustrative purposes only, the image below conceptually shows the design of SUNSET CROSSROADS.



(13) Position bicycle parking areas near the main entrances of buildings.

(14) Design roofs for functionality and to complement the overall architectural design of the building. Incorporate vertical building plane breaks, through changes in building/ridge height, or other accent roof forms to create visual interest. On flat roofs, the ridge line elevation of the primary roof form should not exceed the parapet wall.

(15) When parapet walls are used, incorporate side/rear elevation returns to preclude an unfinished, “false front” appearance.

(16) Screen all rooftop mounted equipment (including solar panels to the extent practical) from public view using materials complementary to those used on the main structure.

4.5 SIGNAGE DESIGN GUIDELINES

Signage within the Specific Plan area serves a variety of purposes. Signs will identify SUNSET CROSSROADS and its building occupants and ensure the efficient circulation of vehicle traffic within the site by identifying vehicular entry points and directing vehicles to their on-site destinations. Also, signage will enhance the pedestrian experience through the design of way finding components: directories, directional signage and destination identifiers.

As such, clear, concise, and easy-to-understand signage that is also visually appealing is vitally important for positive worker and visitor experiences at SUNSET CROSSROADS.

Although provided for illustrative purposes only, the image below conceptually shows the design of signage within SUNSET CROSSROADS.



A separate Specific Plan Sign Program including Signage Design Guidelines shall be prepared and approved by the City of Banning prior to the issuance of the first Occupancy Permit within the Specific Plan. Changes to any sign requirements or regulations contained in the Specific Plan following approval of the Specific Plan are subject to a "Minor Modification" and shall be administratively reviewed and approved by the Community Development Director.

1. The Monumentation and Signs within Section 4.6.4, *Monumentation,* are provided as conceptual and illustrative purposes only, and may be modified as part of the Sign Program.

2. The following design considerations in this section should be reflected in the Sign Program:

(a) The Sign Program should provide adequate and appropriate project, pylon, street, building, commercial tenant identification, trail, path, and wayfinding signage for the anticipated variety of building sizes, designs, and uses to ensure that all project signage is designed with a single vision and theme, generally outlined below.

(b) All building signage should be in scale with and in proportion to, the primary building facades so that the signage is not 'overpowering' and does not dominate the overall appearance.

(c) The design of the signage should reflect the type of business and/or uses through its design, material, shape and graphic form. Signage is encouraged to use natural materials where possible.

(d) All signs should be so oriented as to preclude hazardous obstructions to person and/or vision of pedestrians and/or vehicle operators.

(e) Building occupant identification signage should be in keeping with the character established for SUNSET CROSSROADS with variations allowed to accommodate individual user identities/corporate branding standards.

(f) The method of attaching the signage to the building should be integrated into the Sign Program.

(g) Signs should not cover up windows or important architectural features.

(h) All conductors, conduits, tubing, crossovers, transformers, and other equipment for the illumination of signs should be concealed and/or incorporated into the building architecture or within the sign structure.

(i) Exposed wiring, raceways, cords, plugs, or the like will not be permitted.

(j) Direction signs may be located at any vehicular or pedestrian decision point.

(k) Vehicular direction signs should clearly direct to destination anchors within SUNSET CROSSROADS, such as on-site parking areas, and service routes.

(l) Vehicular direction signs should be consistent in size, shape, and design throughout SUNSET CROSSROADS.

(m) Typography on vehicular direction signs should be legible and have enough contrast to be read from an appropriate windshield viewing distance.

(n) Vehicular direction signs should incorporate reflective vinyl copy for night-time illumination.

(o) Freestanding signs, pylon signs, and Freeway Oriented Freestanding Signs are permitted and may consist of the project's name, project's logo, tenant logos, and/or tenant text.

4.6 LANDSCAPE DESIGN GUIDELINES

These Landscape Design Guidelines establish landscape principles and standards that apply to all Planning Areas within SUNSET CROSSROADS to ensure that plant materials, hardscapes, entries, monuments, streetscapes and other amenities are compatible with the overall design theme, and that all implementing development projects are united under a common design theme. These Landscape Design Guidelines, when taken with the companion Architectural Design Guidelines provided herein, establish an identity for SUNSET CROSSROADS that is contemporary and visually appealing and compatible with the adjacent uses.

Although a great deal of detailed design information is presented herein, these Guidelines are not intended to establish a set of rigid landscaping requirements for SUNSET CROSSROADS. It is recognized that, at times, there will be a need to adapt these Guidelines to meet certain parcel-specific or user-identity requirements. As such, these Landscape Guidelines are intended to be flexible and are subject to modification over time. However, it is critical to the SUNSET CROSSROADS long-term design integrity that any deviations from these Landscape Guidelines are in keeping with the spirit of the core elements of the overall theme described herein, to ensure a cohesive and unified landscape concept across SUNSET CROSSROADS.

The Landscape Design Guidelines serves the dual purpose of adding year-round visual appeal while being sensitive to the environment, and the Southern California climate, by using drought-tolerant materials. Landscaping occurs throughout SUNSET CROSSROADS, but most prominently at street corners, along exterior roadways to create buffers to adjoining uses, and at building entrances and in passenger car parking lots. Monumentation featuring colorful accent trees, shrubs, and groundcover provided at entries welcome employees and visitors to SUNSET CROSSROADS occur at the corners of entrances.

Streetscape landscaping presents a combination of evergreen and deciduous trees, low shrubs, and masses of groundcovers to create a visually pleasing experience for pedestrians and passing motorists. As identified on Figure 4-1, *Conceptual Master Landscape Plan*, the SUNSET CROSSROADS thematic identity is reinforced by the landscape design of interfaces, monumentation, streetscapes, and pedestrian pathways and promenades. Furthermore, the recommended Plant Palette, community elements, and hardscape materials work in concert to reinforce and emphasize the SUNSET CROSSROADS landscape theme.

4.6.1 PLANT PALETTE

The Plant Palette for SUNSET CROSSROADS was selected to complement and enhance the setting of the site, while ensuring the conservation of the site's natural vegetation and habitats. The Plant Palette was selected to complement SUNSET CROSSROADS' architectural styles and design elements (hardscape, monumentation, walls and fences, etc.). Table 4-1, *Plant Palette,* provides a base plant palette which includes a list for SUNSET CROSSROADS' landscape design. Alternative plant species may be used in lieu of species listed in Table 4-1, provided the alternative plants are drought-tolerant and complement the SUNSET CROSSROADS design theme.

Three (3) Plant Palette Categories are used to establish and differentiate areas of SUNSET CROSSROADS and are described below and identified in Figure 4-2, *Conceptual Landscape Zones.*

❖ Zone A - Entrance Planting

Zone A consists of plant material designed to create a strong opening statement. These plants will be arranged for viewing from public roadways such as Sunset Avenue, Lincoln Street, and the SLB Extension, as well as for viewing from I-10.

❖ Zone B – Native California Palette

Zone B will make up the majority of the aesthetic landscape surrounding the entrances and fronts of the buildings within the General Commercial and Industrial areas. Zone B creates a satisfying backdrop to any visitor's stay, and contains plants that are native, drought tolerant, and perform admirable in Banning's climate.

❖ Zone C – Industrial Screen Planting

Zone C will be made up of tall, large, evergreen trees and thick groundcover along the perimeters of SUNSET CROSSROADS. Zone C is also intended to screen industrial buildings and any truck traffic passing through.

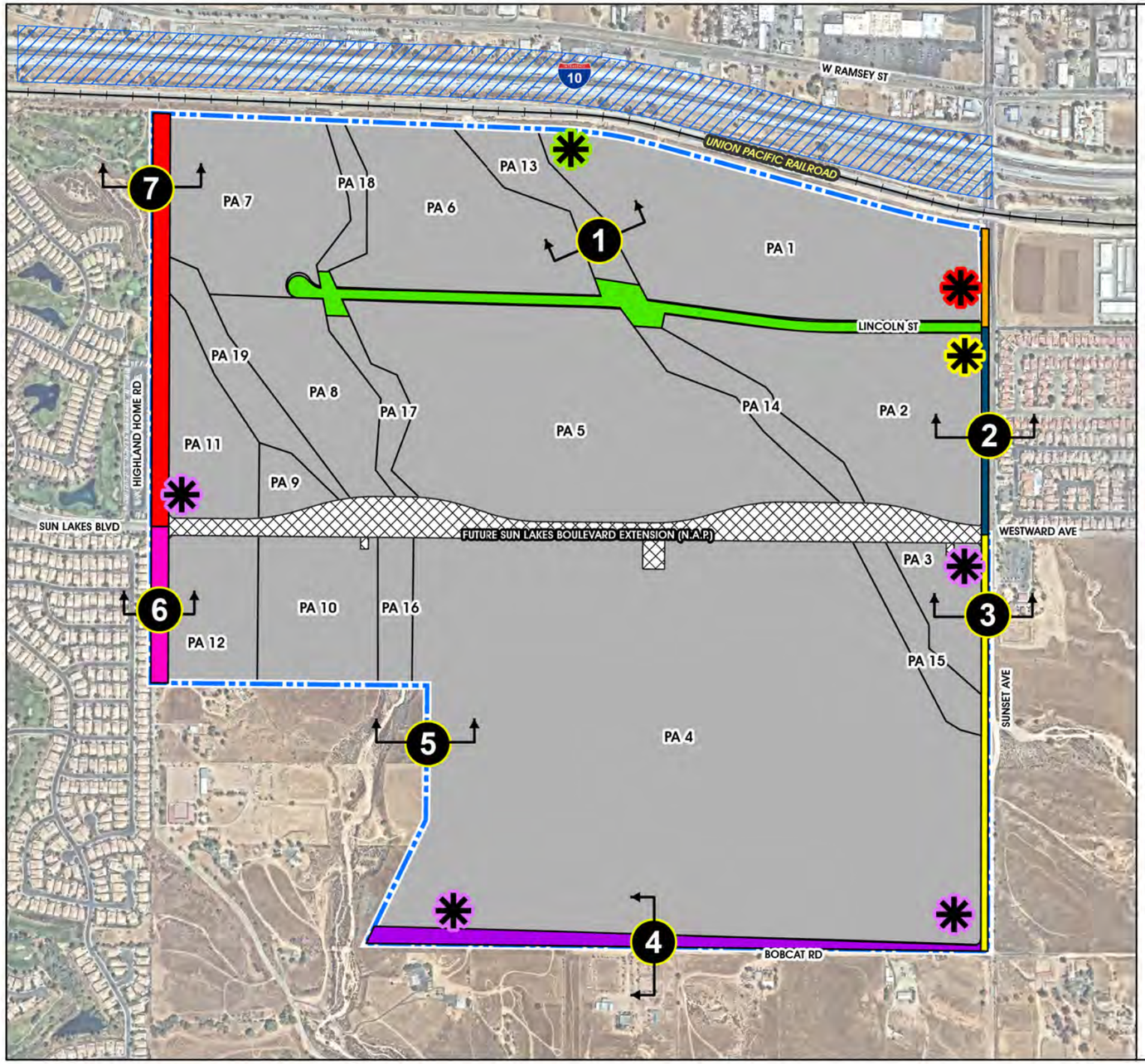
Photos of selected plants from the Plant Palette can be found in Figure 4-3, *Conceptual Plant Palette Imagery.*

Table 4-1 Plant Palette

TREES												
Botanical Name	Common Name	Entries	Streets	Parking Lots	Screening	Accent	Basins	Slopes	Size	Spacing	Min Size	Max Size
Acacia smallii	Acacia	*				*		*	20' x 30'	30' O.C.	15 gal	48" box
Acacia stenophylla	Shoestring Acacia				*				40' x 30'	30' O.C.	15 gal	48" box
Cercidium 'Desert Museum"	Blue Palo Verde					*		*	25' x 25'	25' O.C.	15 gal	48" box
Chilopsis linearis	Desert Willow					*	*	*	20' x 15'	15' O.C.	15 gal	48" box
Chitalpha tashkentensis	Chitalpa	*	*			*		*	30' x 30'	30' O.C.	15 gal	48" box
Heteromeles arbutifolia	Toyon		*	*	*			*	8' x 5'	5' O.C.	15 gal	48" box
Koelreuteria bipinnata	Chinese Flame Tree		*	*	*				40' x 30'	30' O.C.	15 gal	48" box
Magnolia g 'Samuel Sommer'	Magnolia		*	*	*				40' x 30'	30' O.C.	15 gal	48" box
Olea wilsoni	Wilson Fruitless Olive	*				*			30' x 30'	30' O.C.	15 gal	48" box
Pinus eldarica	Afghan Pine	*	*		*				60' x 40'	40' O.C.	15 gal	48" box
Pistachia Chinensis	Chinese Pistache		*	*	*			*	35' x 30'	30' O.C.	15 gal	48" box
Platanus acerifolia	London Plane	*	*		*	*			100' x 75'	75' O.C.	15 gal	48" box
Platanus racemosa	California Sycamore	*	*			*		*	80' x 50'	50' O.C.	15 gal	48" box
Quercus agrifolia	Coast Live Oak		*						70' x 70'	70' O.C.	15 gal	48" box
Quercus virginiana	Southern Live oak		*	*			*	*	50' x 80'	80' O.C.	15 gal	48" box
Rhus lancea	African Sumac	*	*	*		*		*	30' x 40'	40' O.C.	15 gal	48" box
Salix lesiolepis	Arroyo Willow	*	*			*			30' x 30'	30' O.C.	15 gal	48" box
Tristania conferta	Brisbane Box Tree		*		*			*	20 x 20'	20' O.C.	15 gal	48" box
SHRUBS												
Botanical Name	Common Name	Entries	Streets	Parking Lots	Screening	Accent	Basins	Slopes	Size	Spacing	Min Size	Max Size

Ligustrum j. 'Texanum'	Texas Privet		*	*	*				6' x 3'	3' O.C.	1 gal	5 gal
Acca sellowiana	Pineapple Guava	*		*	*				6' x 3'	3' O.C.	1 gal	5 gal
Arbutus unedo	Strawberry Tree	*	*	*					8' x 3'	3' O.C.	1 gal	5 gal
Calliandra californica	Baja Fairy Duster			*	*		*	*	4' x 4'	4' O.C.	1 gal	5 gal
Lavandula 'Goodwin Creek Grey'	Lavender	*	*	*		*			3' x 3'	3' O.C.	1 gal	5 gal
Callistemon 'Little John'	Dwarf Bottlebrush				*		*	*	3' x 3'	3' O.C.	1 gal	5 gal
Leucophyllum spp.	Texas Ranger				*	*	*	*	4' x 4'	4' O.C.	1 gal	5 gal
Rhamnus californica	Coffeeberry				*	*	*	*	6' x 4'	4' O.C.	1 gal	5 gal
Salvia greggii	Autumn Sage	*	*	*	*				3' x 3'	3' O.C.	1 gal	5 gal
Senna artemisiodes	Feathery Cassia			*	*				4' x 4'	4' O.C.	1 gal	5 gal
Westingia spp.	Coast Rosemary	*				*			5' x 5'	5' O.C.	1 gal	5 gal
ACCENTS												
Botanical Name	Common Name	Entries	Streets	Parking Lots	Screening	Accent	Basins	Slopes	Size	Spacing	Min Size	Max Size
Agave spp.	Agave					*			3' x 5'	3' O.C.	1 gal	5 gal
Aloe spp.	Aloe					*			2' x 3'	3' O.C.	1 gal	5 gal
Cactus spp.	Cactus					*			2' x 3'	3' O.C.	1 gal	5 gal
Hesperaloe parviflora	Red Yucca					*			5' x 3'	3' O.C.	1 gal	5 gal
Yucca spp.	Yucca					*			3' x 3'	3' O.C.	1 gal	5 gal
GROUNDCOVER												
Botanical Name	Common Name	Entries	Streets	Parking Lots	Screening	Accent	Basins	Slopes	Size	Spacing	Min Size	Max Size
Acacia redolens 'Low Boy'	Dwarf Acacia						*	*	2' x 8'	8' O.C.	Flats	5 gal
Baccharis p. 'Pigeon Point'	Dwarf Coyote Bush		*	*	*				2' x 6'	6' O.C.	Flats	5 gal
Carex pansa	California Meadow Sedge			*					1' x 12"	12" O.C.	Flats	5 gal
Carissa m. 'Green Carpet'	African Daisy		*	*					2' x 3'	3' O.C.	Flats	5 gal
Festuca mairei	Atlas Fescue	*		*			*	*	2' x 2'	2' O.C.	Flats	5 gal
Hemerocallis hybridus-Yellow	Yellow Day Lily	*	*	*					2' x 2'	2' O.C.	Flats	5 gal
Lantana 'Gold Mound'	Yellow lantana	*							2' x 3'	3' O.C.	Flats	5 gal
Liriope gigantea	Big Blue Lily Turf	*							2' x 3'	2' O.C.	Flats	5 gal
Lonicera j. 'Halliana'	Hall's Honeysuckle	*							2' x 4'	4' O.C.	Flats	5 gal
Myoporum parvifolium	Mypoporum	*							2' x 3'	3' O.C.	Flats	5 gal
Rose 'Flower Carpet'-Red	Red Flower Carpet Rose	*	*						2' x 30"	30" O.C.	Flats	5 gal
Rosmarinus o. 'Huntington Carpet'	Rosemary		*						2' x 4'	4' O.C.	Flats	5 gal
Sesleria autumnalis	Moor Grass		*		*				2' x 18"	18" O.C.	Flats	5 gal
Trachelospermum jasminiodes	Star Jasmine	*	*						2' x 2'	2' O.C.	Flats	5 gal
Tulbaghia violacea	Society Garlic	*							2' x 2'	2' O.C.	Flats	5 gal
Basins/Swales-Applied by Hydroseed		Bottom	Slopes									
Achillea millefolium	Yarrow	*										

Eschscholzia californica	California Poppy	*										
Juncus bufonius	Toad Rush	*										
Leymus tricoides Rio	Creeping Wild Rye	*										
Descampsia cespitosa	Tuft Hair Grass	*										
Festuca rubra 'Molate'	Red Fescue	*										
Hordium brachyantherum	Meadow Barley	*										
Muhlenbergia regens	Deer Grass	*										
Muhlenbergia microsperma	Little Seed Muhly	*										
Hordium depressum	Low Barley	*										
Aristada purpuria	Purple three-awn		*									
Artemisia californica	California Sagebrush		*									
Eriogonum fasiculatum	Buckwheat		*									
Mimulus aurantiacus	Monkey flower		*									
Encelia farinosa	Brittlebush		*									
Salvia alpinia	White Sage		*									
Salvia mellifera	Black Sage		*									
Acmispon glaber	Deer Weed		*									
Eschscholzia californica	California Poppy		*									
Lupinus trumcatus	Lupine		*									
Salvia columbarie	Chia Sage		*									
Plantago erecta	California Platain		*									
Festuca microstachys	Small Fescue		*									



Legend

Monumentation

- Conceptual Primary Monumentation *(Figure 4-5)*
- Conceptual General Commercial Monumentation *(Figure 4-6)*
- Conceptual Industrial Monumentation *(Figure 4-7)*
- Conceptual Freeway Oriented Freestanding Sign *(Figure 4-9)*

Streetscapes

- Conceptual Lincoln Street Streetscape *(Figure 4-10)*
- Conceptual Sunset Avenue (I-10 to Lincoln Street) Streetscape *(Figure 4-11)*
- Conceptual Sunset Avenue (Lincoln Street to SLB Extension) Streetscape *(Figure 4-11A)*
- Conceptual Sunset Avenue (SLB Extension to Bobcat Road) Streetscape *(Figure 4-11B)*
- Conceptual Bobcat Road Streetscape *(Figure 4-12)*
- Conceptual Highland Home Road (North of SLB Extension) Streetscape *(Figure 4-13)*
- Conceptual Highland Home Road (South of SLB Extension) Streetscape *(Figure 4-13A)*

Interfaces

1. Conceptual Interface #1 - Commercial (PA 1) to Open Space and Industrial (PA 6) *(Figure 4-15)*
2. Conceptual Interface #2 - Industrial (PA 2) to Off-Site Residential (East) *(Figure 4-16)*
3. Conceptual Interface #3 - Industrial (PA 3) to Off-Site School Site (East) *(Figure 4-17)*
4. Conceptual Interface #4 - Industrial (PA 4) to Off-Site Residential (South) *(Figure 4-18)*
5. Conceptual Interface #5 - Industrial (PA 4) to Off-Site Open Space *(Figure 4-19)*
6. Conceptual Interface #6 - Industrial (PA 12) to Off-Site Residential (West) *(Figure 4-20)*
7. Conceptual Interface #7 - Industrial (PA 7) to Off-Site Residential (West) *(Figure 4-21)*

Notes:

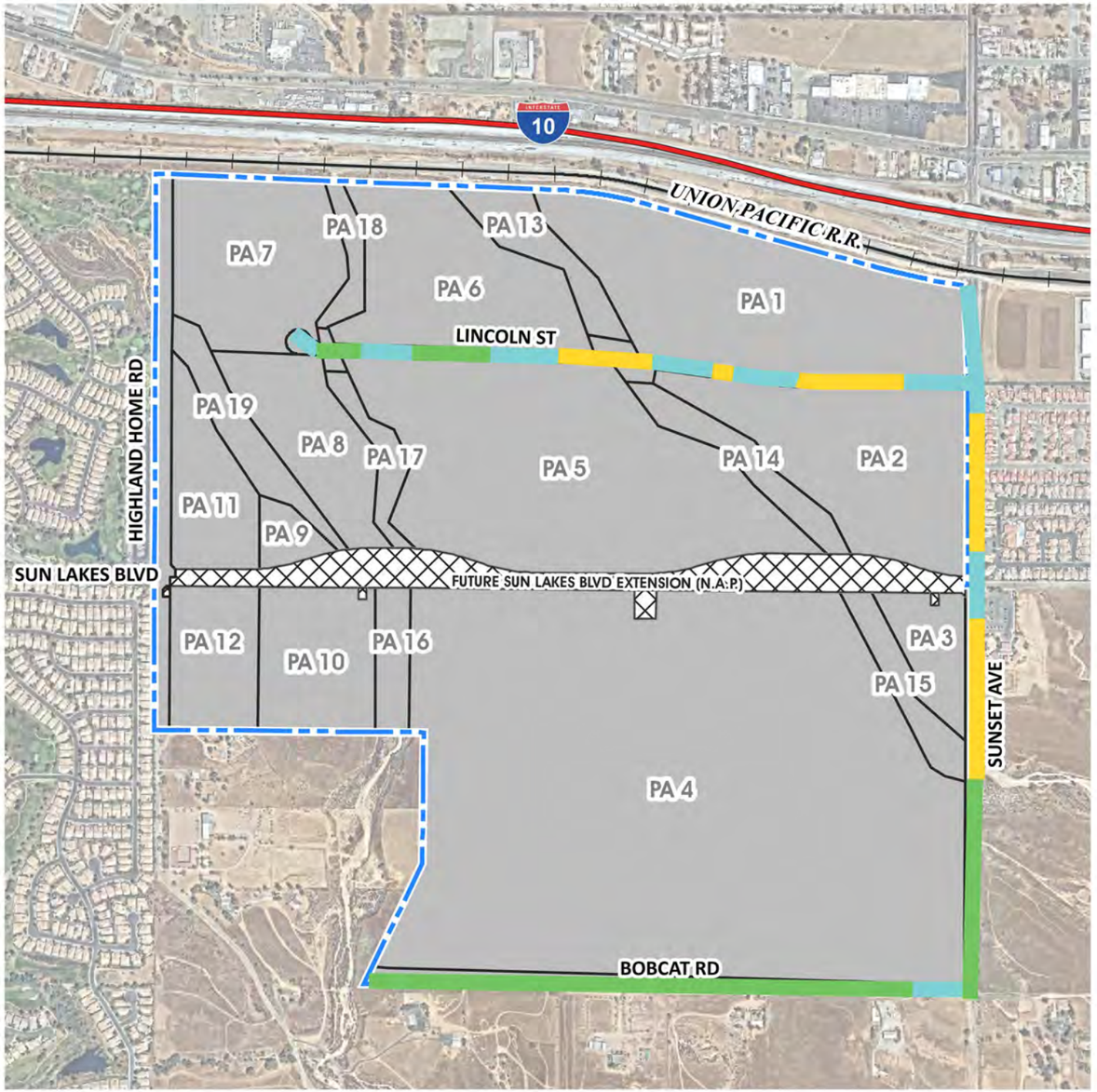
1. Future SLB Extension is dedicated public right of way and will be constructed and maintained by the City of Banning.

2. This exhibit identifies the conceptual locations of entry monumentation and signage. The final locations of entry monuments and signs will be determined at the time internal streets, buildings and driveway locations are identified as part of implementing projects(s).

Source(s): ESRI, Nearmap (2022), Proactive Engineering Consultants (01-2023), Hunter Landscape (2021)

FIGURE 4-1

0 200 400 800 Feet





Zone A: Entrance Planting

Zone A consists of plant material designed to create a strong opening statement. These plants will be arranged for viewing from roadside as well as for viewing from the highway and Sunset arterial to create intrigue.



Zone B: Native California Palette

Zone B will make up the majority of the aesthetic landscape surrounding the storefront. These plants will make a satisfying backdrop to any visitor's stay.

These plants are native, drought tolerant, and perform admirably in Banning's climate.



Zone C: Industrial Screen Planting

Zone C will be made up of tall, large evergreen trees and thick groundcover all along the periphery slopes of the project. This will screen the industrial buildings and any truck traffic passing through.

Source(s): Hunter Landscape (02-10-2021)

FIGURE 4-2

Not to Scale

TREES (SELECTED)



Cercidium 'Desert Museum'
Blue Palo Verde



Pinus eldarica
Afghan Pine



Rhus lancea
African Sumac

SHRUBS (SELECTED)



Salvia greggii
Autumn Sage

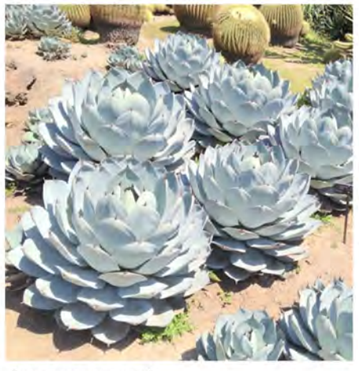


Ligustrum i 'texanum'
Texas Privet



Lavandula 'Goodwin Creek Grey'
Lavender

ACCENTS (SELECTED)



Agave parryi
Parry's Agave



Hesperaloe parviflora
Red Yucca



Echinocactus grusonii
Barrel Cactus

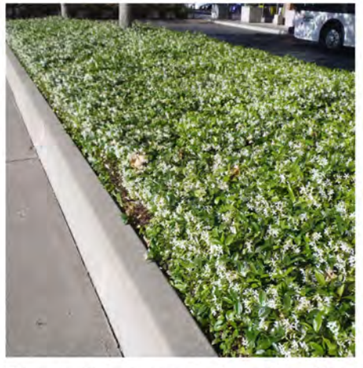
GROUNDCOVER (SELECTED)



Acacia r. 'Low Boy'
Acacia



Sesleria autumnalis
Moor Grass



Trachelospernum jasminoides
Star Jasmine

Source(s): Hunter Landscape (09-2021)

FIGURE 4-3

Not to Scale

Conceptual Plant Palette Imagery

4.6.2 IRRIGATION

The following general irrigation concepts should be considered in the design and installation of irrigation systems within SUNSET CROSSROADS:

(1) All landscaped areas should be equipped with a permanent, automatic, underground irrigation system. Drip systems and highly efficient rotators are encouraged in all areas needing irrigation. Irrigation systems must conform to all City of Banning requirements and State Model Water Efficient Landscape Ordinance AB1881.

(2) Irrigation systems should be designed to apply water slowly, allowing plants to be deep soaked and to reduce run-off.

(3) Connect the irrigation system to the recycled water conveyance system, if available.

(4) "Pop-up" type sprinkler heads may be used adjacent to walks, drives, curbs (car overhangs), parking areas and public right-of-way but must be designed and maintained to prevent run-off and overspray.

(5) The design of irrigation systems, particularly the location of controller boxes, valves, and other above-ground equipment (e.g., backflow prevention devices), should be incorporated into the overall landscaping design. Where aboveground equipment is provided, it should be screened or otherwise removed from public view to the extent possible.

(6) The irrigation system should be programmed to operate between 8:00pm and 9:00am.

(7) Non-functional turf, meaning turf that is not intended for active or passive recreation, is prohibited from use.

4.6.3 CONCEPTUAL PARK PLAN (PLANNING AREA 11)

A 5.0-acre public passive park is anticipated to be provided within Planning Area 11, along with 7.6 acres of open space and trails. As illustrated on Figure 4-4, *Conceptual Park Plan (PA 11),* Planning Area 11 may provide recreational amenities such as, but not limited to, a tot lot playground, picnic tables, walking paths, trails, and restrooms. Open field areas are provided next to the playground and picnic tables, along with a looped walking path which winds through the recreational area surrounded by trees and landscaping, in accordance with Table 4-1, *Plant Palette*.

4.6.4 MONUMENTATION

Entry Monumentation has been created in order to identify arrival to SUNSET CROSSROADS, distinguish individual Planning Areas, and establish a sense of place consistent with the overall SUNSET CROSSROADS theme. The entry treatments have been designed to create a distinctive visual statement that emphasizes the SUNSET CROSSROADS' image as a high-quality, contemporary development.

The monumentation examples illustrated within these Design Guidelines represent consistent interpretations of SUNSET CROSSROADS' character and theme. Implemented monumentation need not match these examples exactly and may be designed with enough flexibility to respond to physical contexts along with the needs and desires of individual tenants, but all entry monuments should be generally consistent in theme and character. Consistency should be established through use of matching or complementary logos, type styles, and color schemes throughout the area being identified.

The conceptual location of entry monumentation is depicted on Figure 4-1, *Conceptual Master Landscape Plan.* Note that Figure 4-1 identifies the conceptual locations of entry monumentation and signage, the final locations of entry monuments and signs will be determined at the time internal streets, buildings, and driveway locations are identified as part of applications submitted within this Specific Plan).

❖ Conceptual Primary Monumentation

Primary Monumentation provided within SUNSET CROSSROADS creates an inviting atmosphere for employees and visitors by providing a form of wayfinding and sense of identity to SUNSET CROSSROADS. Primary Monumentation may be provided at the Sunset Avenue and Lincoln Street intersection. As shown on Figure 4-5, *Conceptual Primary Monumentation,* Primary Monumentation is made of fabricated aluminum, a faux corten color finish with the project logo, and a stone veneer base. The trees, shrubs, and groundcovers planted in the background and foreground of Primary Monumentation are in accordance with Table 4-1, *Plant Palette.* The final design and materials of this monument will be determined with applications submitted within this Specific Plan and/or as part of the Specific Plan Sign Program and Signage Design Guidelines.

❖ Conceptual General Commercial Monumentation

General Commercial Monumentation may be provided at individual building sites within Planning Area 1 to announce the arrival into the General Commercial area for employees and visitors. As shown on Figure 4-6, *Conceptual General Commercial Monumentation*, the General Commercial Monumentation consist of fabricated aluminum, a faux corten color finish with the project logo, a stone veneer base, and raised illuminated or non-illuminated letters of building tenants. The trees, shrubs, and groundcovers planted in the background and foreground of General Commercial Monumentation are in accordance with Table 4-1*, Plant Palette.* The final design and materials of this monument will be determined with applications submitted within this Specific Plan and/or as part of the Specific Plan Sign Program and Signage Design Guidelines.

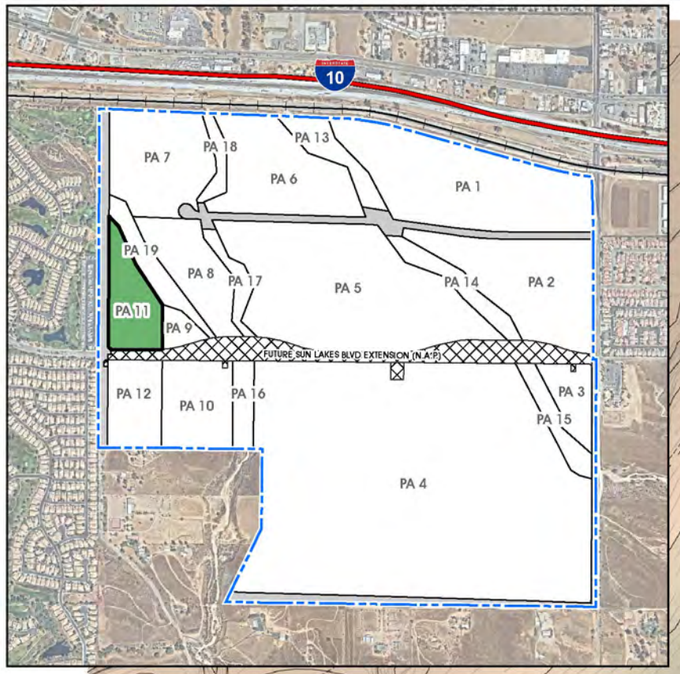
❖ Conceptual Industrial Monumentation

Industrial Monumentation may be provided at individual building sites within Planning Areas 2 through 10 to announce the arrival into the Industrial areas for employees and visitors. As shown on Figure 4-7, *Conceptual Industrial Monumentation*, Industrial Monumentation consist of fabricated aluminum, a faux corten color finish with the project logo, a stone veneer base, and raised illuminated or non-illuminated letters of building tenants. The trees, shrubs, and groundcovers planted in the background and foreground of the Industrial Monumentation are in accordance with Table 4-1, *Plant Palette.* The final design and materials of this monument will be determined with applications submitted within this Specific Plan and/or as part of the Specific Plan Sign Program and Signage Design Guidelines. Conceptual Tenant Monumentation

Tenant Monumentation may be provided at individual building sites within Planning Areas 1 through 10 to announce the arrival into the General Commercial and Industrial areas for employees and visitors. As shown on Figure 4-8, *Conceptual Tenant Monumentation*, Tenant Monumentation consists of fabricated aluminum, a faux corten color finish with the project logo, a stone veneer base, and raised illuminated or non-illuminated letters of building tenants. The trees, shrubs, and groundcovers planted in the background and foreground of the Tenant Monumentation are in accordance with Table 4-1, *Plant Palette.* The final locations of Tenant Monumentation will be determined at the time internal streets, buildings, and driveway locations are identified as part of applications submitted within this Specific Plan. The final design and materials of this monument will be determined with implementing project(s) and/or as part of the Specific Plan Sign Program and Signage Design Guidelines.

❖ Conceptual Freeway Oriented Freestanding Signs

The final location, design, and materials of Freeway Oriented Freestanding Signs will be established by the SUNSET CROSSROADS Sign Program and will be selected to maximize exposure and enhance the visibility of SUNSET CROSSROADS from Interstate 10. Freeway Oriented Freestanding Signs include electronic message board pylon signs, freestanding monument signs, freestanding pylon signs, and freestanding tenant signs at a maximum height of 80 feet and maximum width of 30 feet. As illustrated on Figure 4-9, *Conceptual Freeway Oriented Freestanding Sign*, Freeway Oriented Freestanding Signs may consist of fabricated aluminum, a faux corten color finish with the project logo, a stone veneer base, and individually illuminated channel letters. The final design and materials of this sign will be determined with applications submitted within this Specific Plan and/or as part of the Specific Plan Sign Program and Signage Design Guidelines.



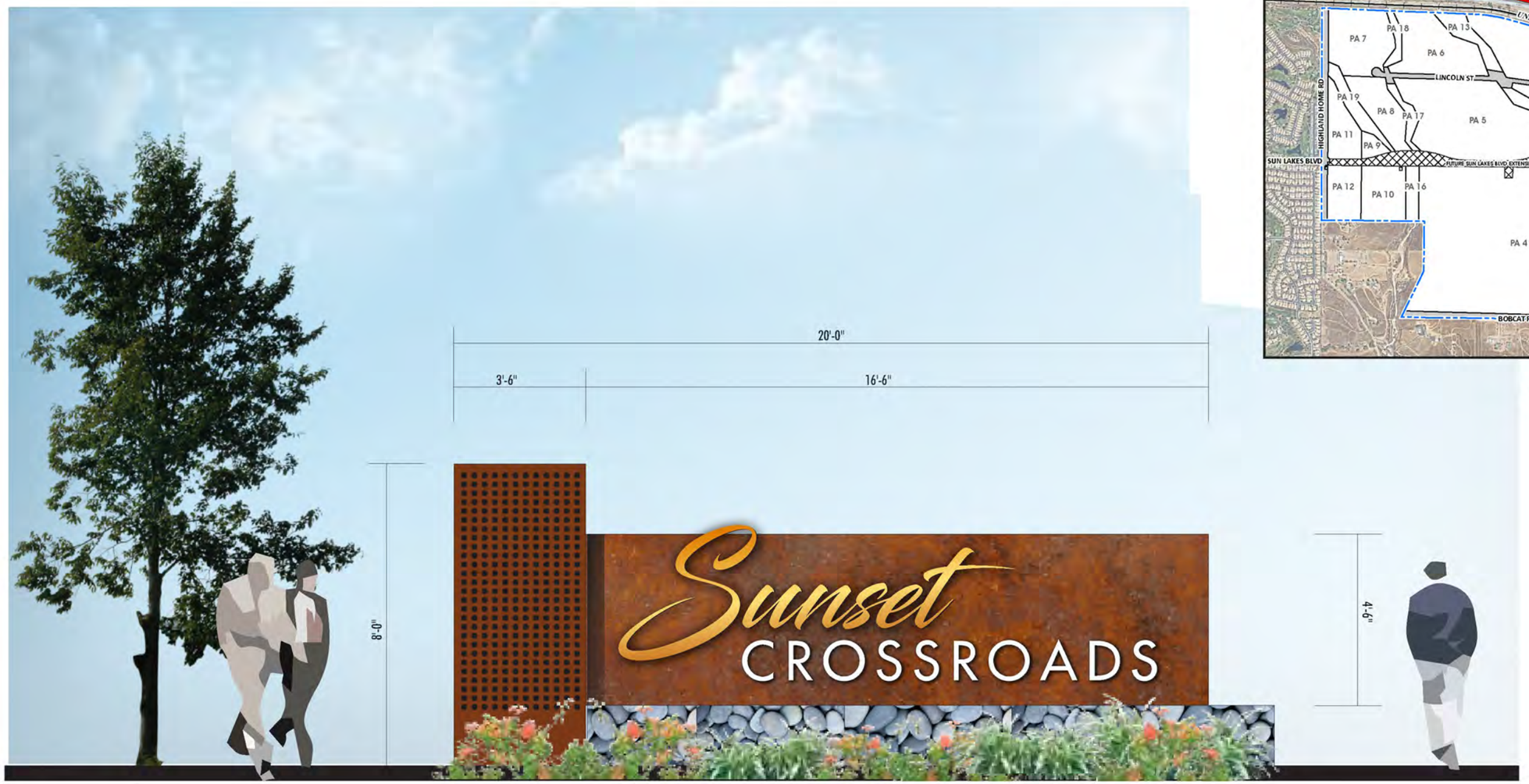


Source(s): Hunter Landscape (05-25- 2021)

FIGURE 4-4

Not to Scale

Conceptual Park Plan (Planning Area 11)





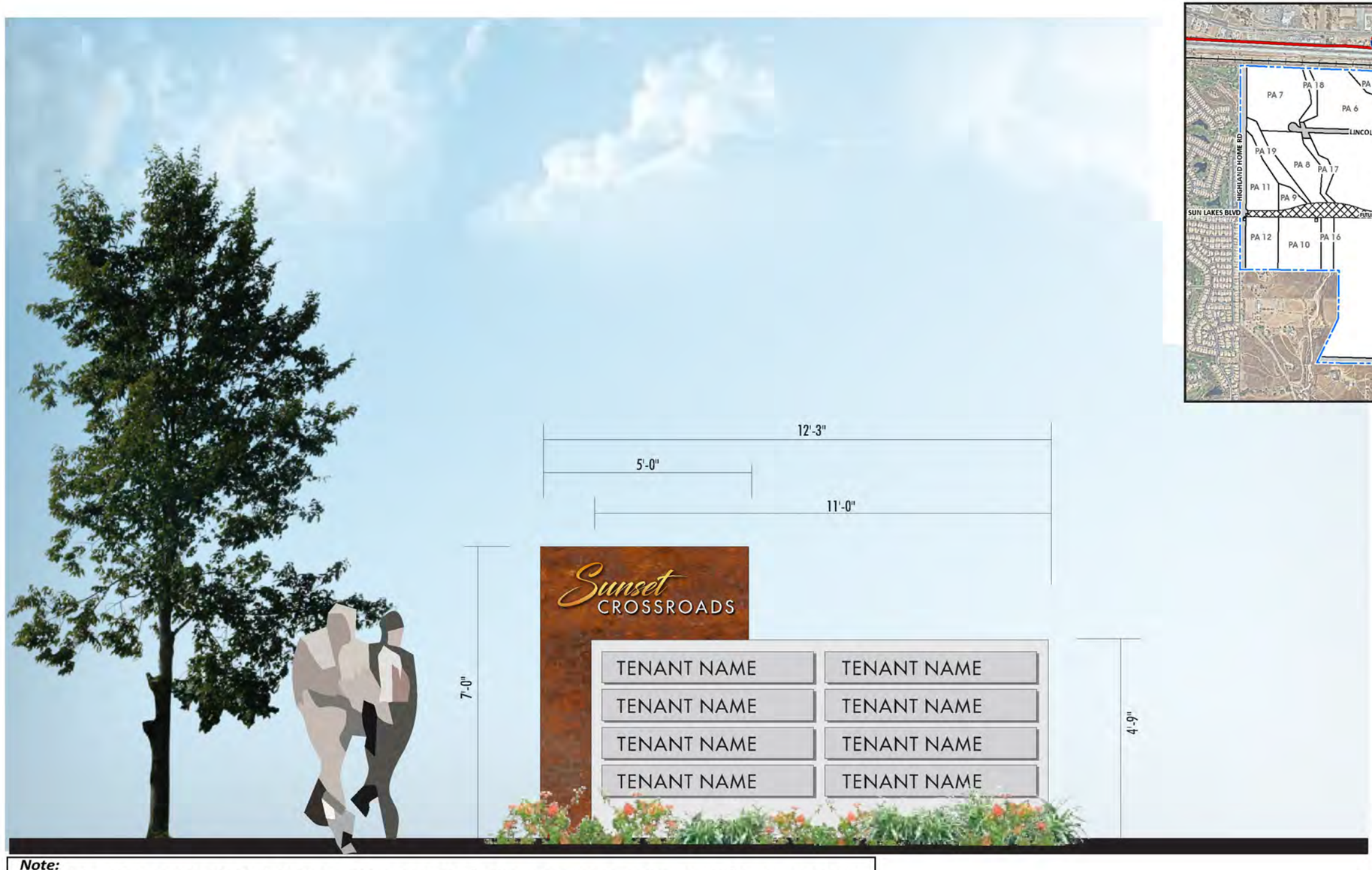
KEY MAP

Note:
This Exhibit is for conceptual and illustrative purposes only. The final locations, design, and materials for monumentation and signs will be determined at the time of implementing project(s) and/or a Sign Program.

Source(s): ADS (03-15-2021)

FIGURE 4-5

Not to Scale





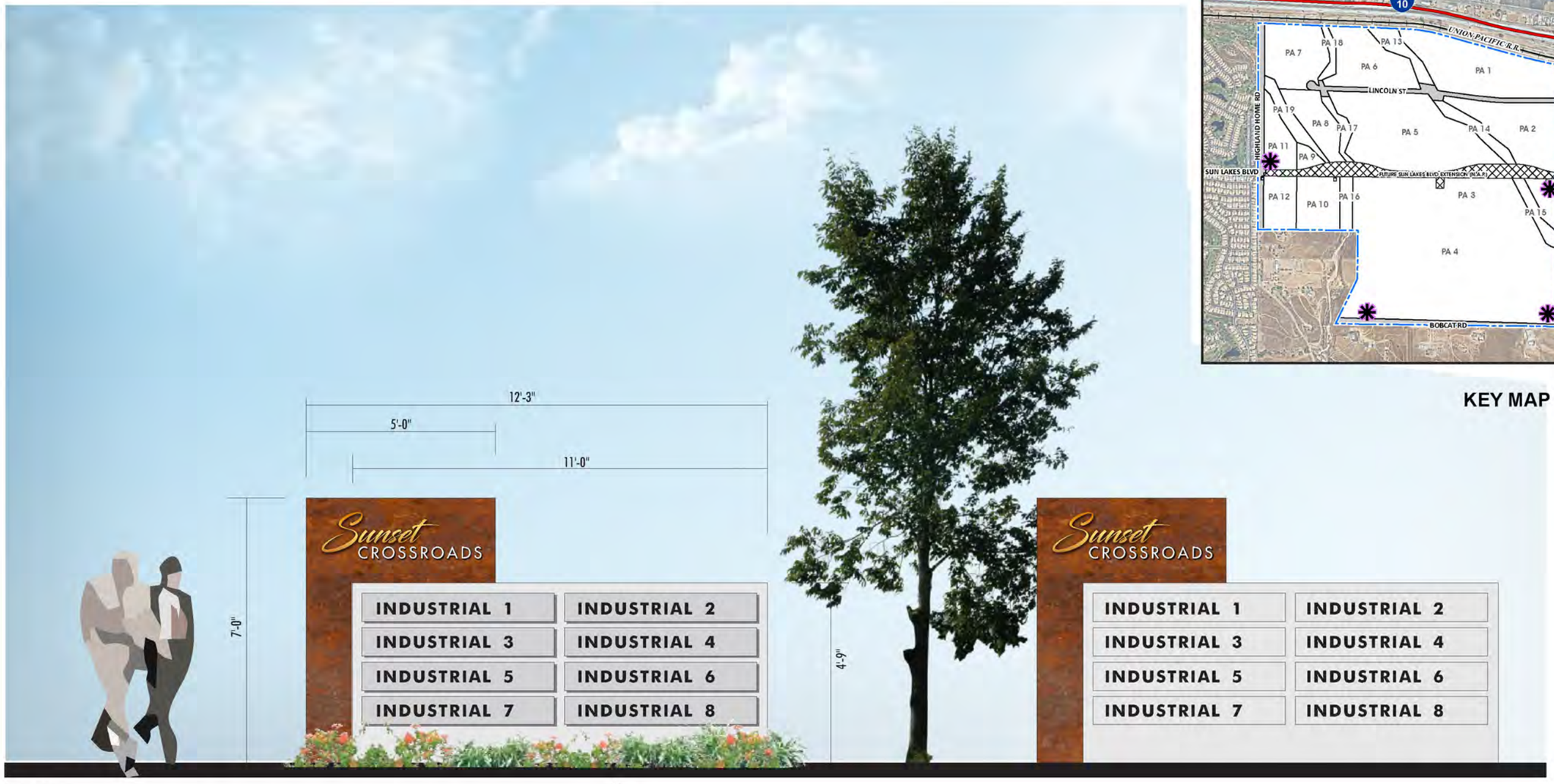
KEY MAP

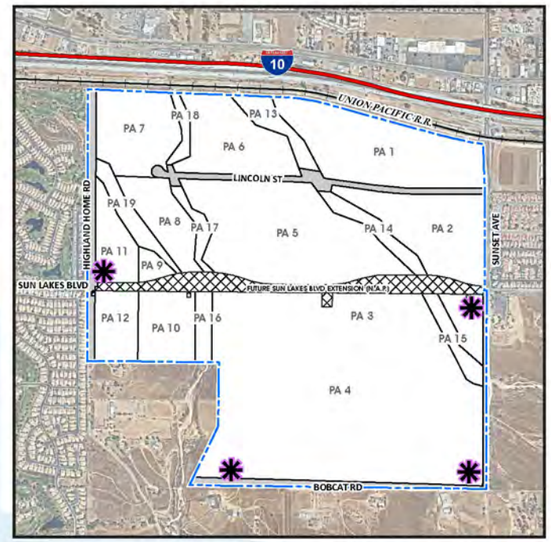
Note:
This Exhibit is for conceptual and illustrative purposes only. The final locations,design, and materials for monumentation and signs will be determined at the time of implementing project(s) and/or a Sign Program.

Source(s): ADS (03-15-2021)

FIGURE 4-6

Not to Scale





KEY MAP

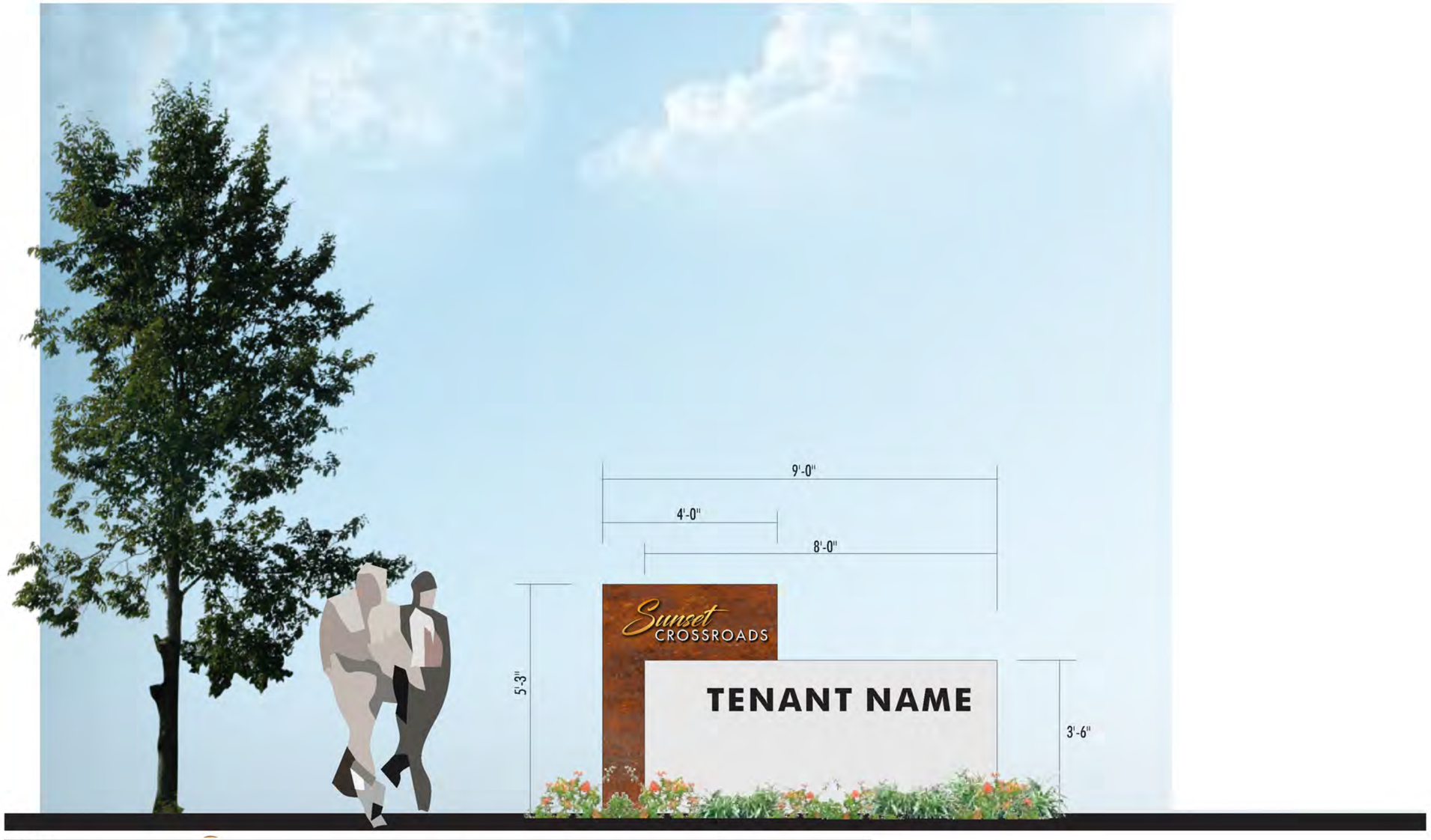
Note:
This Exhibit is for conceptual and illustrative purposes only. The final locations, design, and materials for monumentation and signs will be determined at the time of implementing project(s) and/or a Sign Program.

Source(s): ADS (03-15-2021)

FIGURE 4-7

Not to Scale

Conceptual Industrial Monumentation



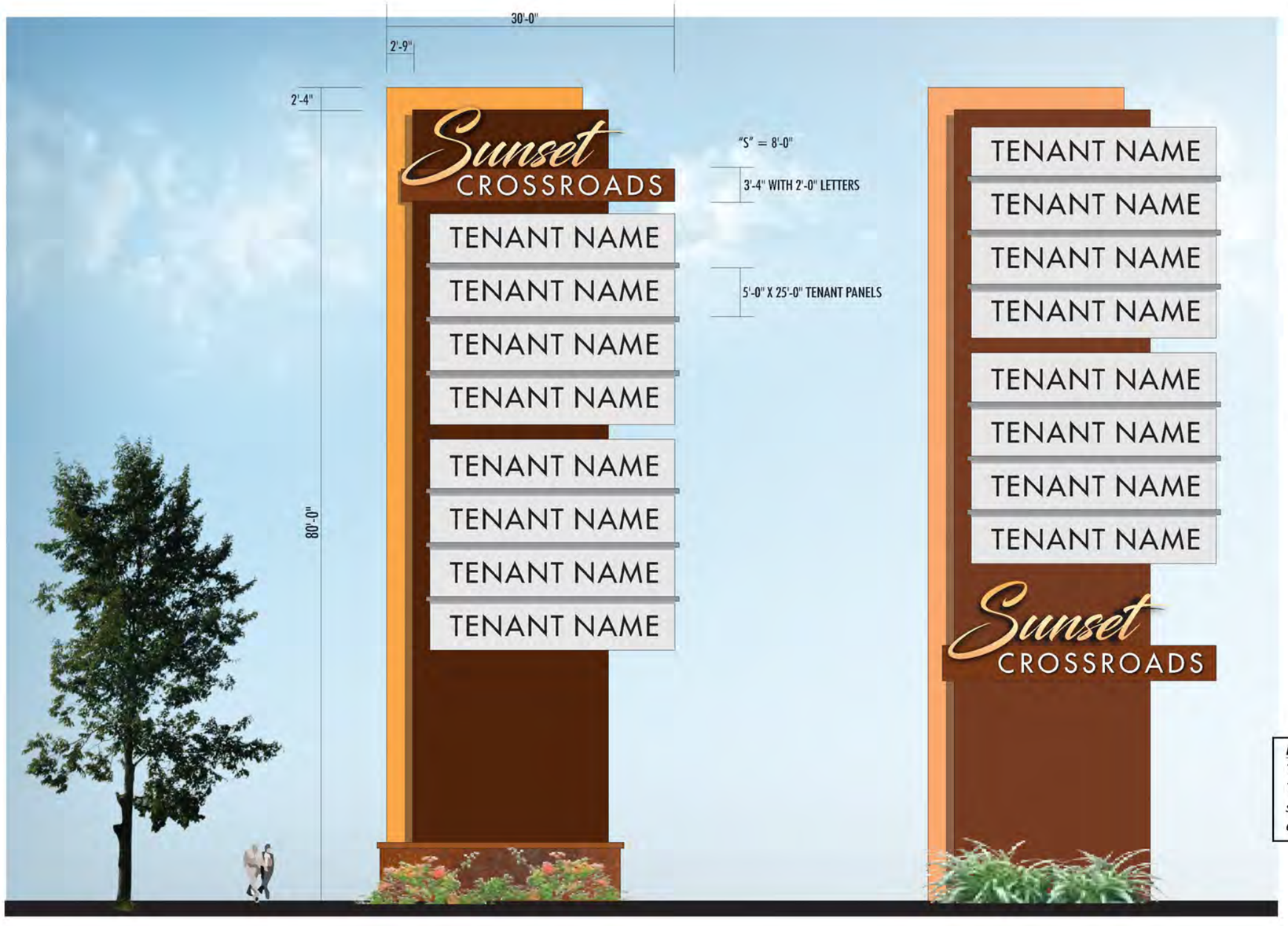
Note:
This Exhibit is for conceptual and illustrative purposes only. The final locations,design, and materials for monumentation and signs will be determined at the time of implementing project(s) and/or a Sign Program.

Source(s): ADS (03-15-2021)

FIGURE 4-8

Not to Scale

Conceptual Tenant Monumentation





KEY MAP

Note:
This Exhibit is for conceptual and illustrative purposes only. The final locations, design, and materials for monumentation and signs will be determined at the time of implementing project(s) and/or a Sign Program.

Source(s): ADS (03-15-2021)

FIGURE 4-9

Not to Scale

Conceptual Freeway Oriented Freestanding Sign

4.6.5 STREETSCAPES

Streetscapes within SUNSET CROSSROADS are critical to creating a sense of place and maintaining the project's high-quality theme. In addition, streetscapes serve the functional purposes of softening and screening less desirable project elements from public view. Streetscapes throughout SUNSET CROSSROADS should be planted with a combination of street trees, shrubs, and large masses of groundcover. The landscaping Plant Palette for streetscapes links the roadways to the rest of SUNSET CROSSROADS by providing continuity throughout the entire Specific Plan using the Landscape Zones discussed in Section 4.6.1, *Plant Palette.*

Landscape treatments may include elements such as sidewalks, pedestrian paths, and parkway trees to enhance roadway appearances. Landscaping should consist of drought-tolerant plants, colorful shrubs, and street trees in accordance with Table 4-1, *Plant Palette*. Landscaping within the public right of way will be maintained by one or a combination of the following entities: the City of Banning, a Landscape, Lighting Maintenance District (LLMD), a Master Property Owners' Association (MPOA), or a Property Owners' Association (POA). In all instances, an appropriate line-of-sight for entering/exiting vehicles shall be maintained at street intersections within SUNSET CROSSROADS. The conceptual streetscape landscape treatments within SUNSET CROSSROADS are presented on the following pages.

❖ Conceptual Lincoln Street Streetscape (78' ROW)

As shown on Figure 4-10, Lincoln Street Streetscape is a 78-foot right-of-way. The right of way consists of 56 feet of paving with a 6-foot-wide landscaped parkway and 5-foot-wide parkway-adjacent sidewalk on one side of the street and a 6-foot-wide curb-adjacent sidewalk and 5-foot-wide landscaped parkway on the other side of the street. SUNSET CROSSROADS will be constructing the full width of this roadway. The trees, shrubs, and groundcovers planted in the landscape zones along Lincoln Street are in accordance with Table 4-1, *Plant Palette.*

❖ Conceptual Sunset Avenue Streetscape (I-10 to Lincoln Street) (110' ROW)

As shown on Figure 4-11, Sunset Avenue Streetscape from I-10 to Lincoln Street is a 110-foot right-of-way. The westerly portion of the right of way consists of a 9-foot median and 34 feet of paving including an 8-foot-wide Class II bike lane, with a 4-foot curb-adjacent landscaped parkway and an 8-foot-wide parkway-adjacent sidewalk. The easterly portion consists of a 9-foot median and 34 feet of paving including an 8-foot-wide Class II bike lane, with an 8-foot-wide curb-adjacent sidewalk and a 4-foot landscaped parkway. The trees, shrubs, and groundcovers planted in the landscape zones along Sunset Avenue are in accordance with Table 4-1, *Plant Palette*.

❖ Conceptual Sunset Avenue Streetscape (Lincoln Street to SLB Extension) (110' ROW)

As shown on Figure 4-11A, Sunset Avenue Streetscape from Lincoln Street to SLB Extension is a 110-foot right-of-way. Each side of the right of way consists of a 9-foot median and 34 feet of paving including an 8-foot-wide Class II bike lane, with a 4-foot landscaped parkway and an 8-foot-wide parkway-adjacent sidewalk. 17 feet of excess right of way to the east may be landscaped as a buffer. The trees, shrubs, and groundcovers planted in the landscape zones along Sunset Avenue are in accordance with Table 4-1, *Plant Palette*.

❖ Conceptual Sunset Avenue Streetscape (SLB Extension to Bobcat Road) (88' ROW)

As shown on Figure 4-11B, Sunset Avenue Streetscape from the SLB Extension to Bobcat Road is an 88-foot right-of-way. Each side of the right of way consists of 32 feet of paving, with a 4-foot curb-adjacent landscaped parkway and an 8-foot parkway-adjacent sidewalk. The trees, shrubs, and groundcovers planted in the landscape zones along Sunset Avenue are in accordance with Table 4-1, *Plant Palette*.

❖ Conceptual Bobcat Road Streetscape (78' ROW)

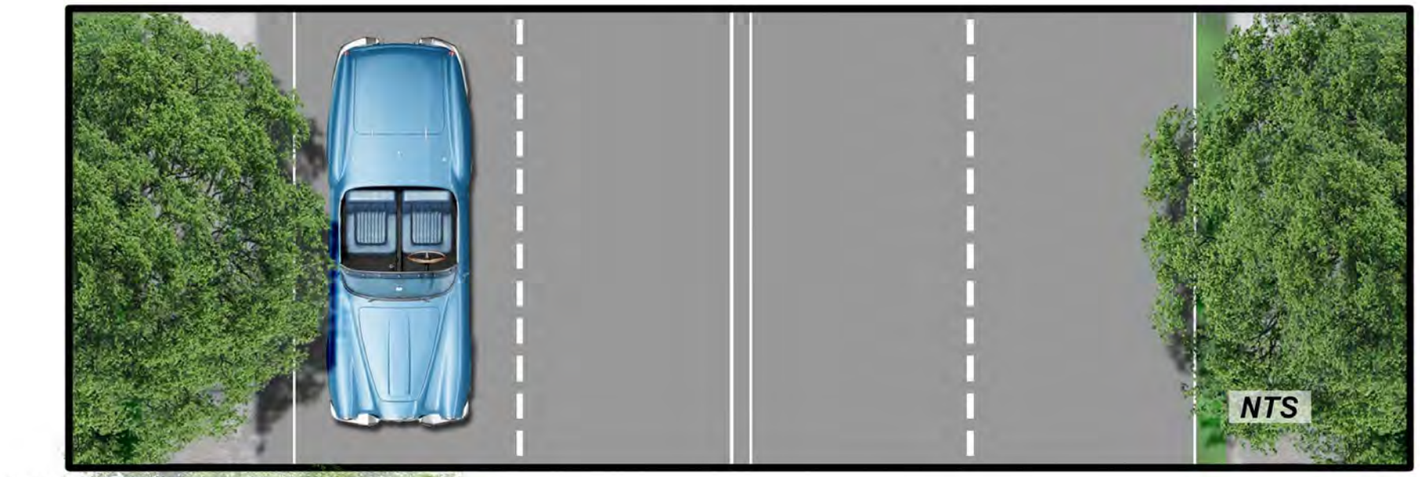
As shown on Figure 4-12, Bobcat Road Streetscape is a 78-foot right-of-way. The northerly portion of the right of way consists of 28 feet of paving with a 5-foot-wide landscaped parkway and 6-foot-wide curb-adjacent sidewalk. SUNSET CROSSROADS will be constructing only the north half-width plus 10' of this roadway. The trees, shrubs, and groundcovers planted in the landscape zones along Bobcat Road are in accordance with Table 4-1, *Plant Palette.*

❖ Conceptual Highland Home Road Streetscape (north of SLB Extension) (66' ROW)

As shown on Figure 4-13, Highland Home Road Streetscape (north of SLB Extension) is a 66-foot right-of-way within a 110-foot dedication. The western portion of the right of way consists of a 5-foot-wide curb-adjacent sidewalk, a 6-foot-wide landscaped parkway, and 44 feet of paving, including a Class III bikeway adjacent to the curb. SUNSET CROSSROADS will construct the half-width plus 10' of paving along the western boundary, which will terminate at the northern end with a cul-de-sac. The trees, shrubs, and groundcovers planted in the landscape zones along Highland Home Road are in accordance with Table 4-1, *Plant Palette.*

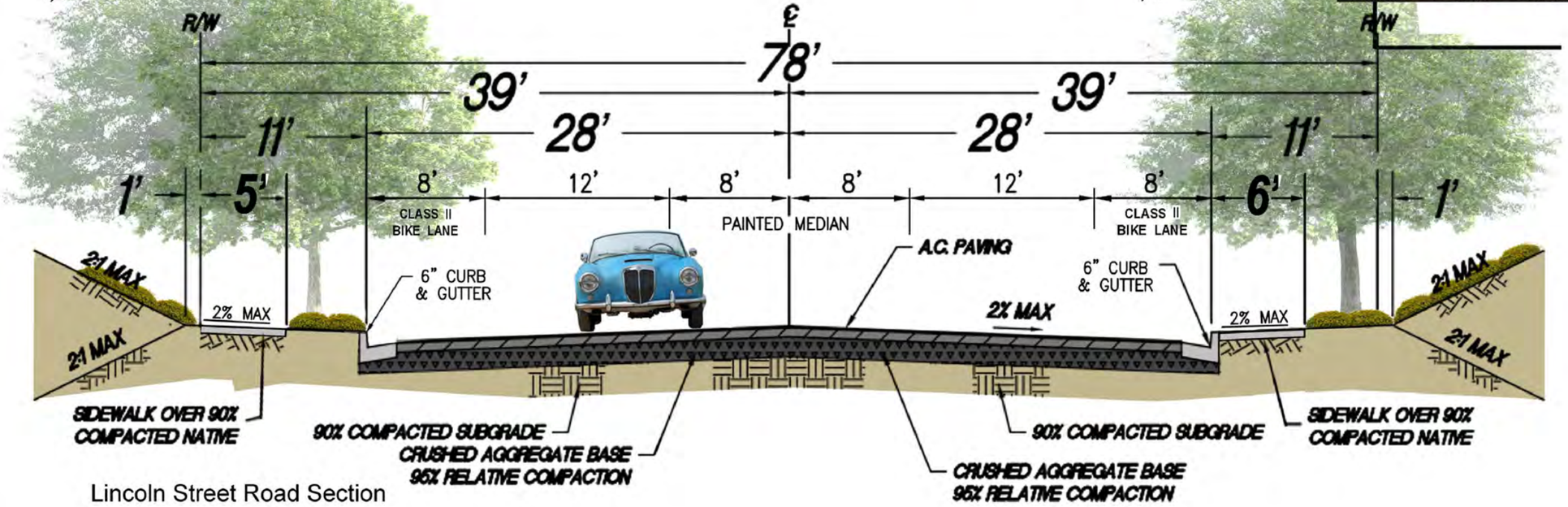
❖ Conceptual Highland Home Road Streetscape (south of SLB Extension) (66' ROW)

As shown on Figure 4-13A, Highland Home Road Streetscape (south of SLB Extension) is a 66-foot right-of-way within a 110-foot dedication. The eastern portion of the right of way consists of 22 feet of paving, including a Class III bikeway, a 6-foot-wide curb-adjacent sidewalk, and a 5-foot-wide landscaped parkway. SUNSET CROSSROADS will complete the existing improvements on the western side of the right-of-way. The trees, shrubs, and groundcovers planted in the landscape zones along Highland Home Road are in accordance with Table 4-1, *Plant Palette.*





KEY MAP



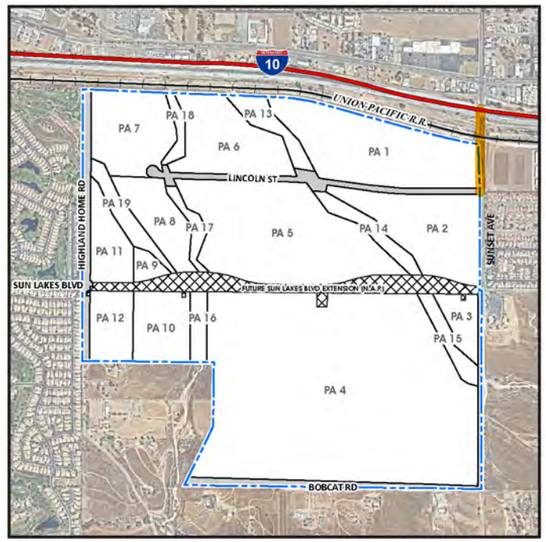
Lincoln Street Road Section

Source(s): Hunter Landscape (12-02-2022)

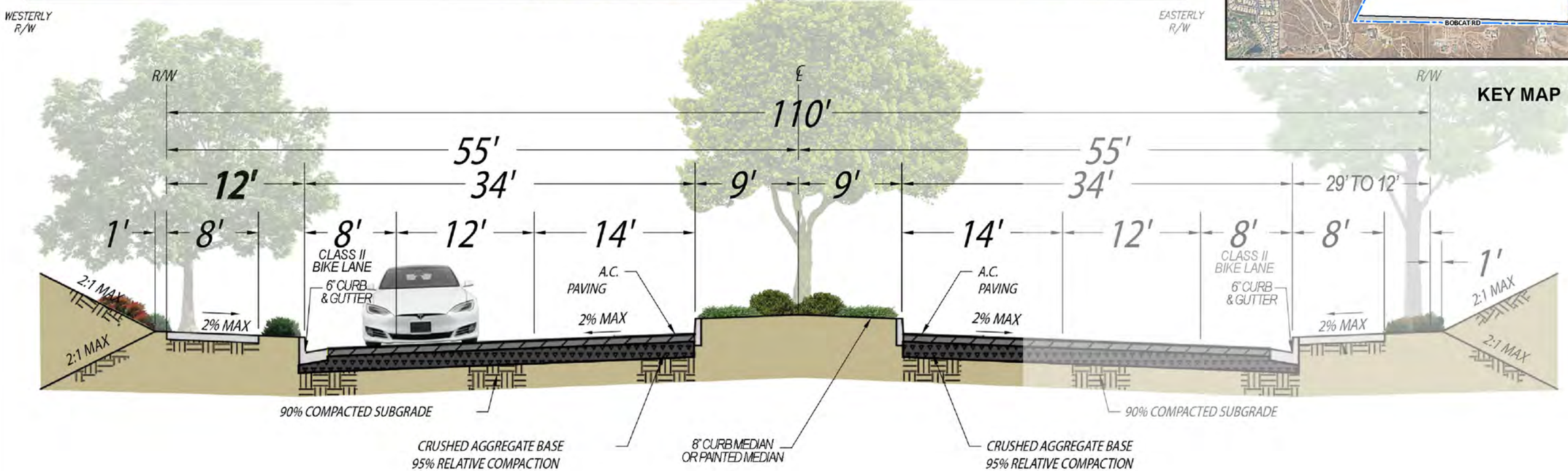
FIGURE 4-10

Not to Scale





KEY MAP



Source(s): Proactive Engineering Consultants (10-12-2023)

FIGURE 4-11

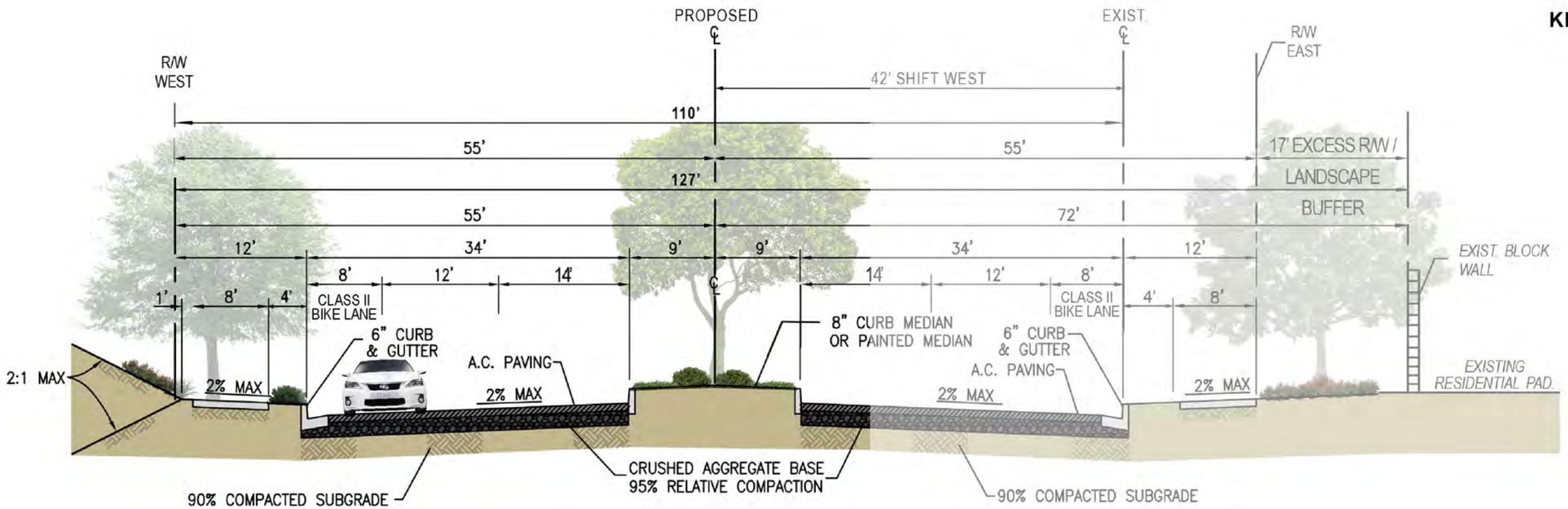
Not to Scale

Conceptual Sunset Avenue Streetscape (I-10 to Lincoln Street)





KEY MAP



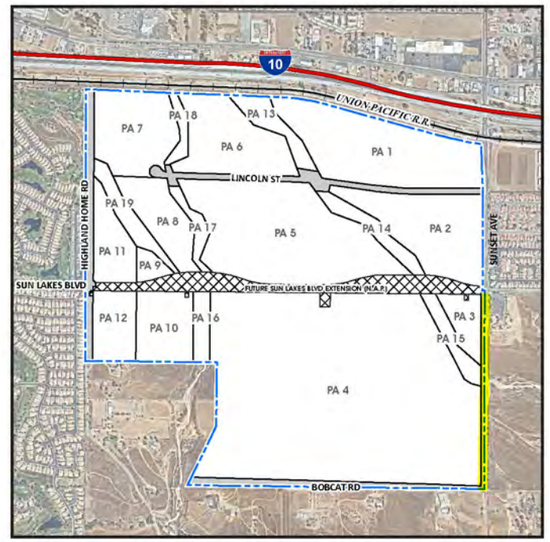
Source(s): Proactive Engineering Consultants (03-06-2024)

FIGURE 4-11A

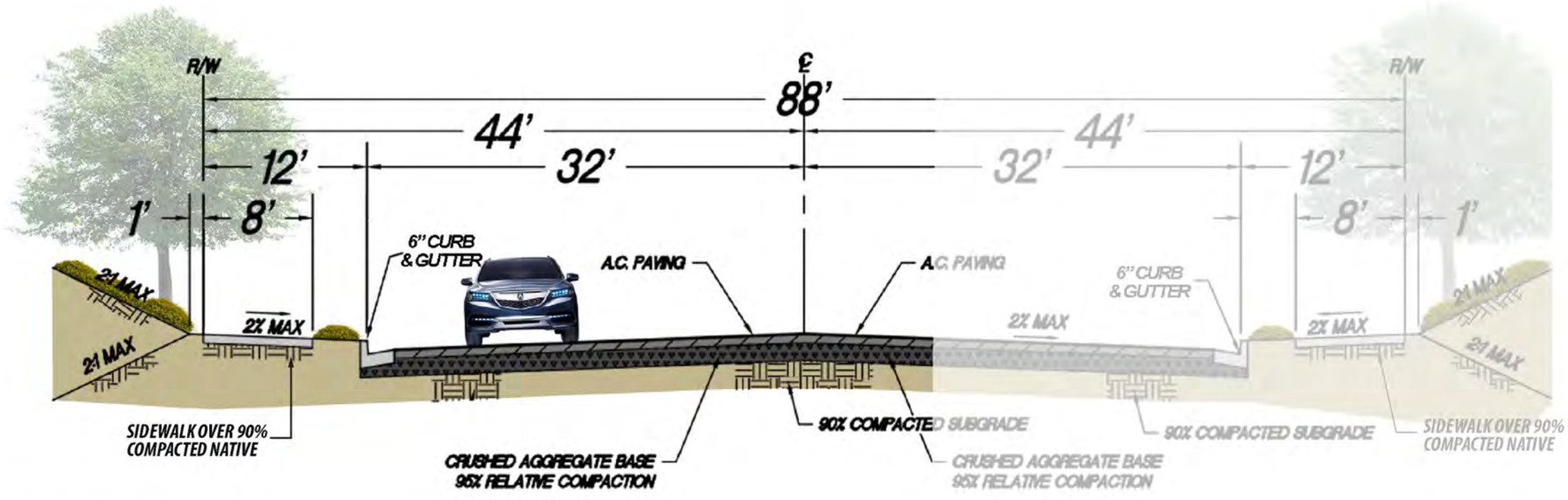
Not to Scale



ON-SITE *OFF-SITE*



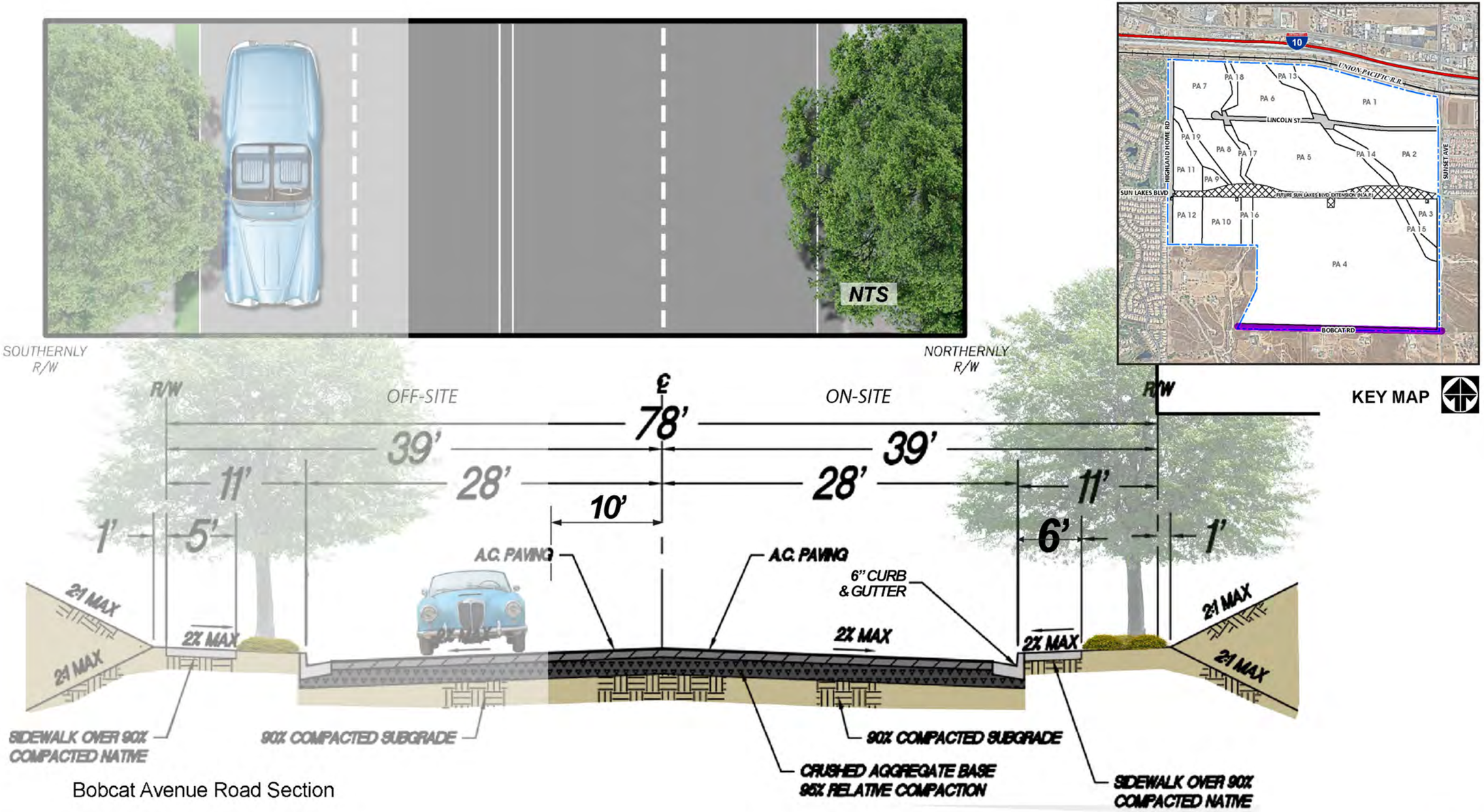
KEY MAP



Source(s): Hunter Landscape (02-10-2021)

FIGURE 4-11B

Not to Scale

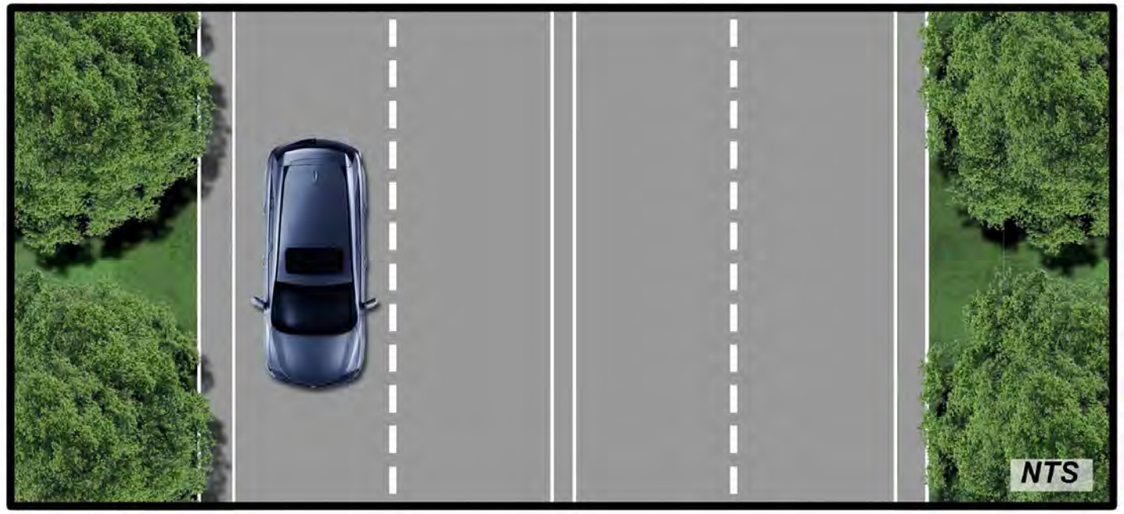


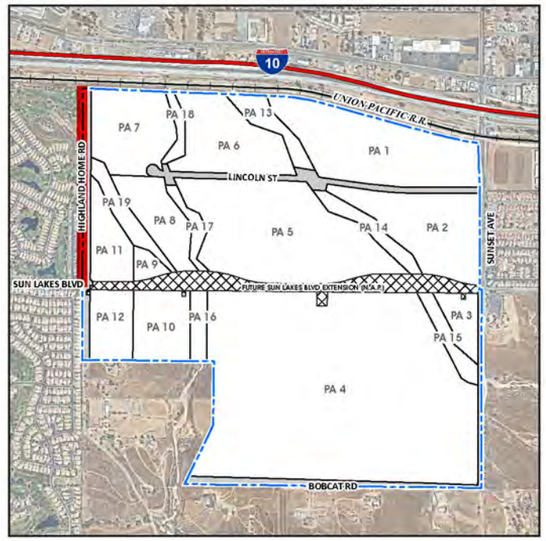
Bobcat Avenue Road Section

Source(s): Hunter Landscape (01-27-2023)

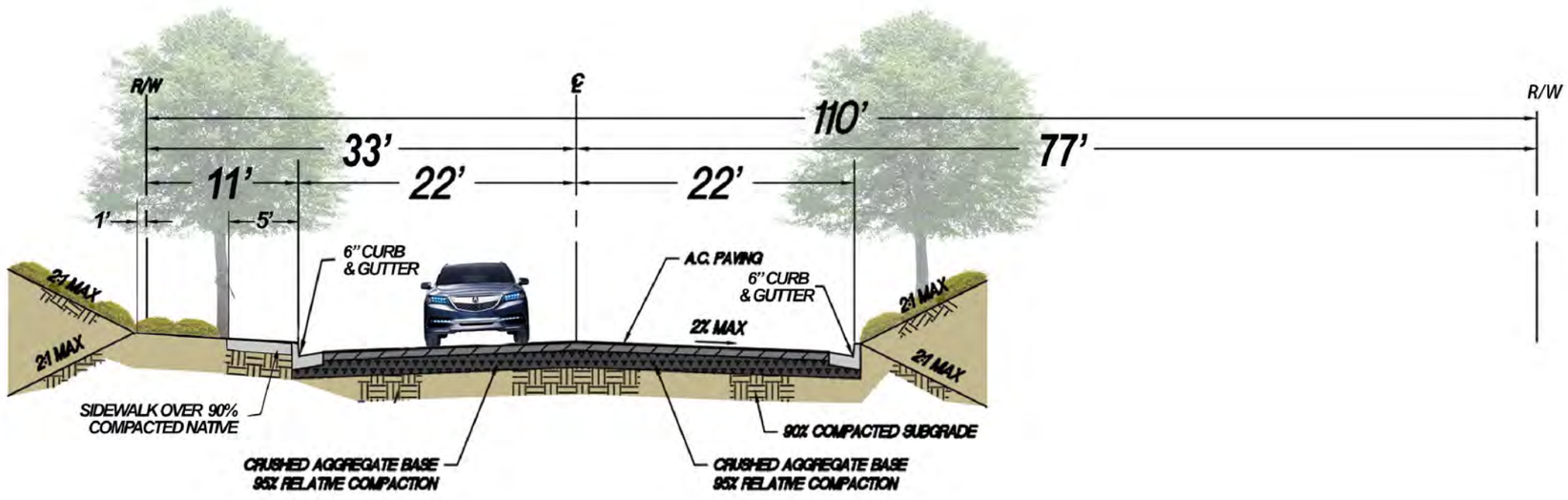
FIGURE 4-12

Not to Scale





KEY MAP

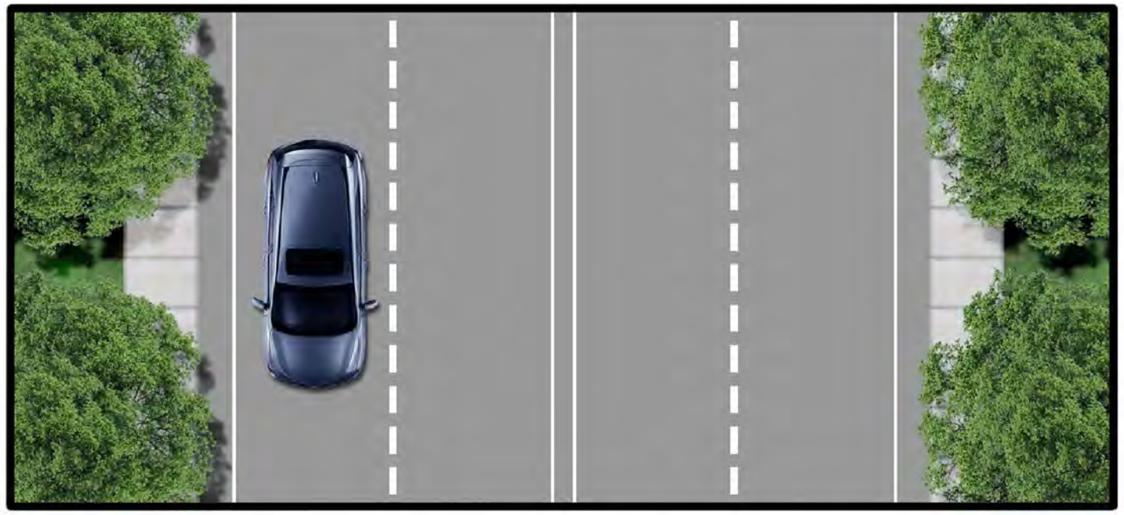


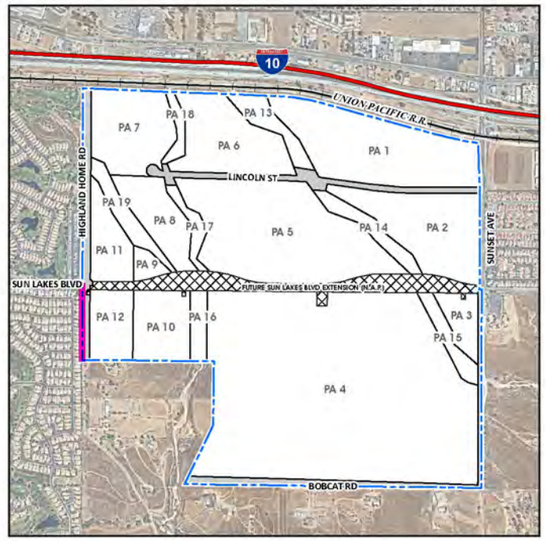
Source(s): Hunter Landscape (01-27-2023)

FIGURE 4-13

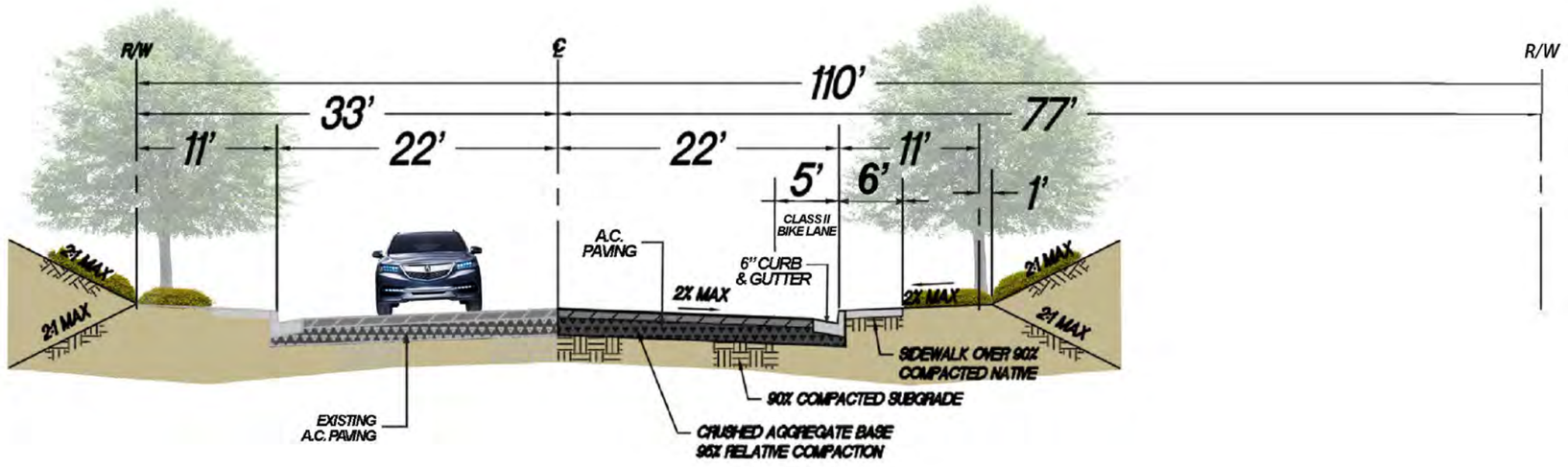
Not to Scale

Conceptual Highland Home Road Streetscape (north of SLB Extension)





KEY MAP



Source(s): Hunter Landscape (01-27-2023)

FIGURE 4-13A

Not to Scale

Conceptual Highland Home Road Streetscape (south of SLB Extension)

4.6.6 WALL AND FENCES

Along building site perimeters and interior to building sites, walls and fences may be provided for screening, buffering, and security purposes within SUNSET CROSSROADS. Tubular steel fences with pilaster and CMU screen may be provided around the perimeters of individual building sites. Walls and fences may be provided around loading and dock areas, trailer parking areas, and parking lots and should be adequate to screen on-site uses from abutting public views and public roads. Landscaping may also be used to provide screening of SUNSET CROSSROADS' land uses from off-site areas. Figure 4-14, *Conceptual Wall and Fence Details*, illustrate the walls and fences which may be provided within the Specific Plan area. The final locations, materials, and details of these walls and fences will be determined when buildings are designed and oriented within a Planning Area as part of any applications submitted within this Specific Plan.

❖ Tubular Steel Fence

Tubular Steel Fences may be provided around the perimeters of General Commercial and Industrial land uses from roadways, water quality basins, loading and dock areas, truck yards, parking lots, within individual building sites, and/or as an alternative to CMU screen walls, when screening is not required. Tubular Steel Fences have a maximum height of 8' and include black tubular steel rods with pilasters and decorative concrete caps to be provided and spaced approximately 25' on-center. The final locations, materials, and details will be determined when buildings are designed and oriented within a Planning Area as part of any applications submitted within this Specific Plan.

❖ CMU Screen Wall

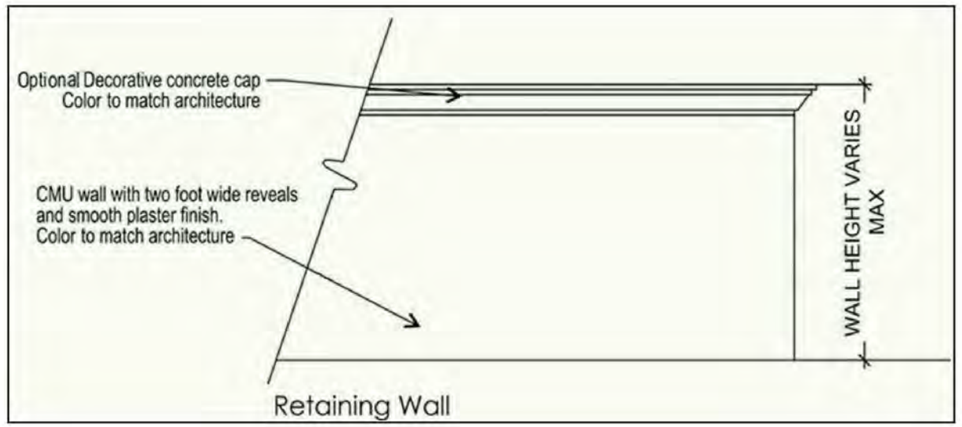
CMU Screen Walls may be provided within SUNSET CROSSROADS around the perimeters of Industrial land uses from roadways and Open Space-Resource Planning Areas. CMU Screen Walls have a minimum height of 6' and include warm architectural colors, concrete masonry unit walls and decorative concrete caps. CMU Screen Walls may be provided as an alternative to tubular steel fences, where screening may be required. The final locations, materials, and details will be determined when buildings are designed and oriented within a Planning Area as part of any applications submitted within this Specific Plan.

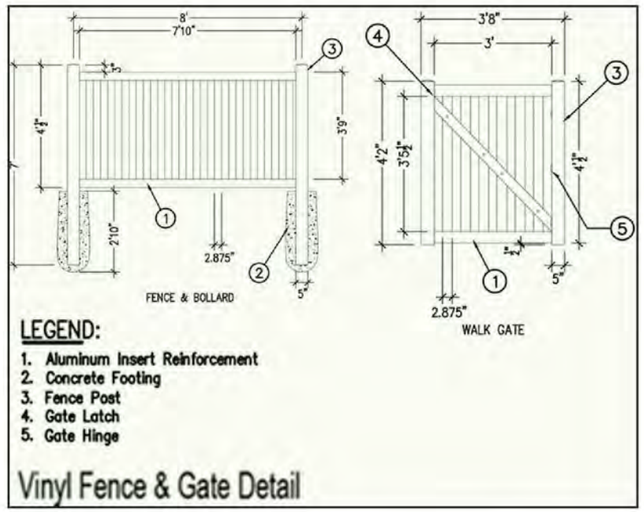
❖ Vinyl Fence and Gate

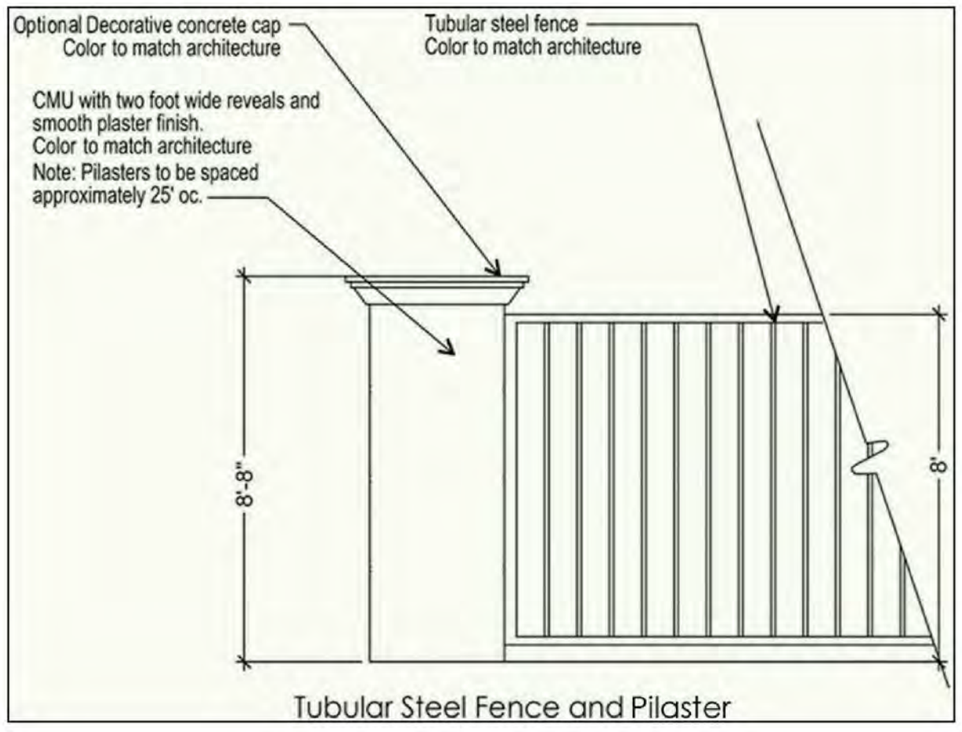
Vinyl Fences with gates may be provided within SUNSET CROSSROADS. Vinyl fences with gates have a minimum height of 4' 2" and consist of aluminum insert reinforcement, concrete footing, fence posts, gates with latches and hinges. The final locations, materials, and details will be determined when buildings are designed and oriented within a Planning Area as part of any applications submitted within this Specific Plan.

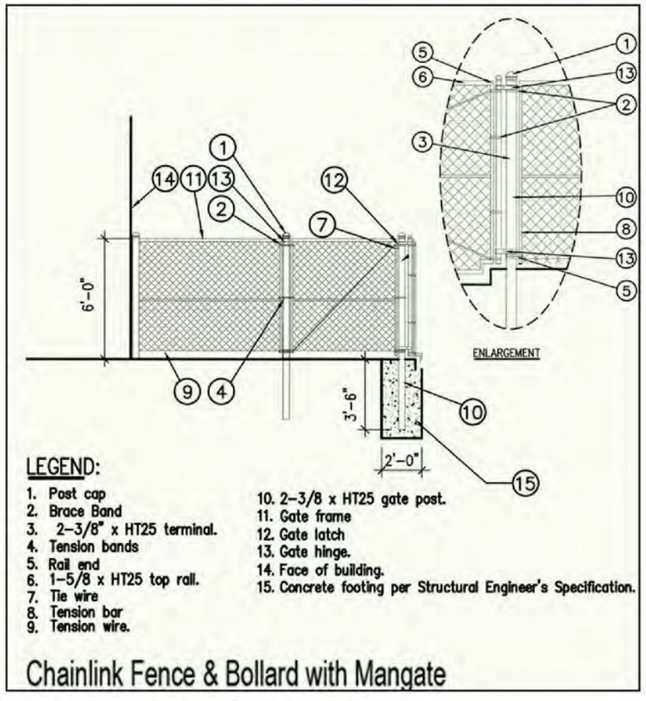
❖ Chainlink Fence and Bollard with Mangate

Chainlink Fences with bollards and mangates may be provided within SUNSET CROSSROADS. Chainlink Fences have a minimum height of 6' and consist of chain link tension wires, tension bars, rail ends, and post caps. The final locations, materials, and details will be determined when buildings are designed and oriented within a Planning Area as part of any applications submitted within this Specific Plan.









Source(s): Hunter Landscape (05-25-2021)

FIGURE 4-14

Not to Scale

4.6.7 LANDSCAPE INTERFACES

SUNSET CROSSROADS contains seven (7) distinct Landscape Interfaces, or edge treatments, which buffer at the boundaries of adjacent off-site and dissimilar on-site land uses. The general location of each of these Landscape Interfaces is depicted on Figure 4-1, *Conceptual Master Landscape Plan.* Each of these landscape interfaces are discussed in detail below. The interfaces depicted in this section may be modified by the requirements for fuel modification or brush clearing associated with future applications submitted within this Specific Plan. The types of landscape material and width may be modified if needed to address final building orientations or fire safety. Walls and fences may be provided within these interface locations during the design and implementation of the Specific Plan.

1. Conceptual Interface #1 – Commercial (Planning Area 1) to Open Space & Industrial (Planning Area 6)

Interface #1, as illustrated on Figure 4-15, identifies the interface condition where General Commercial land uses within Planning Area 1 are adjacent to existing natural drainage features within Planning Area 13 to the west and Industrial land uses within Planning Area 6. In this condition, General Commercial land uses are buffered from the existing natural drainage features within Planning Area 13 by a landscape buffer within Planning Area 1. Industrial land uses in Planning Area 6 are buffered from the existing natural drainage features within Planning Area 13 by a basin and a 15-foot-wide sewer easement. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

2. Conceptual Interface #2 – Industrial (Planning Area 2) to Off-Site Residential (East)

Interface #2, as illustrated on Figure 4-16, identifies the interface condition where Industrial land uses within Planning Area 2 are adjacent to the off-site residential uses located to the east. In this condition, Industrial land uses are buffered from the off-site uses by a landscape buffer and the 110-foot-wide right-of-way of Sunset Avenue and 17 feet of excess right of way. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

3. Conceptual Interface #3 – Industrial (Planning Area 3) to Off-Site School Site (East)

Interface #3, as illustrated on Figure 4-17, identifies the interface condition where Industrial land uses within Planning Area 3 are adjacent to the off-site Mount San Jacinto School Site to the east. In this condition, Industrial land uses are buffered by a landscape buffer along the perimeter of Planning Area 3 and Sunset Avenue. The eastern side of Sunset Avenue contains an existing, built-out 5-foot landscaped parkway and 5-foot-wide non-curb adjacent sidewalk, fronting the MSJC school site. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

4. Conceptual Interface #4 – Industrial (Planning Area 4) to Off-Site Residential (South)

Interface #4, as illustrated on Figure 4-18, identifies the interface condition where Industrial land uses within Planning Area 4 are adjacent to the off-site residential land uses to the south. In this condition, Industrial land uses are buffered from the off-site residential land uses by an infiltration basin, and the 78-foot-wide right-of-way of Bobcat Road. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

5. Conceptual Interface #5 – Industrial (Planning Area 4) to Off-Site Open Space

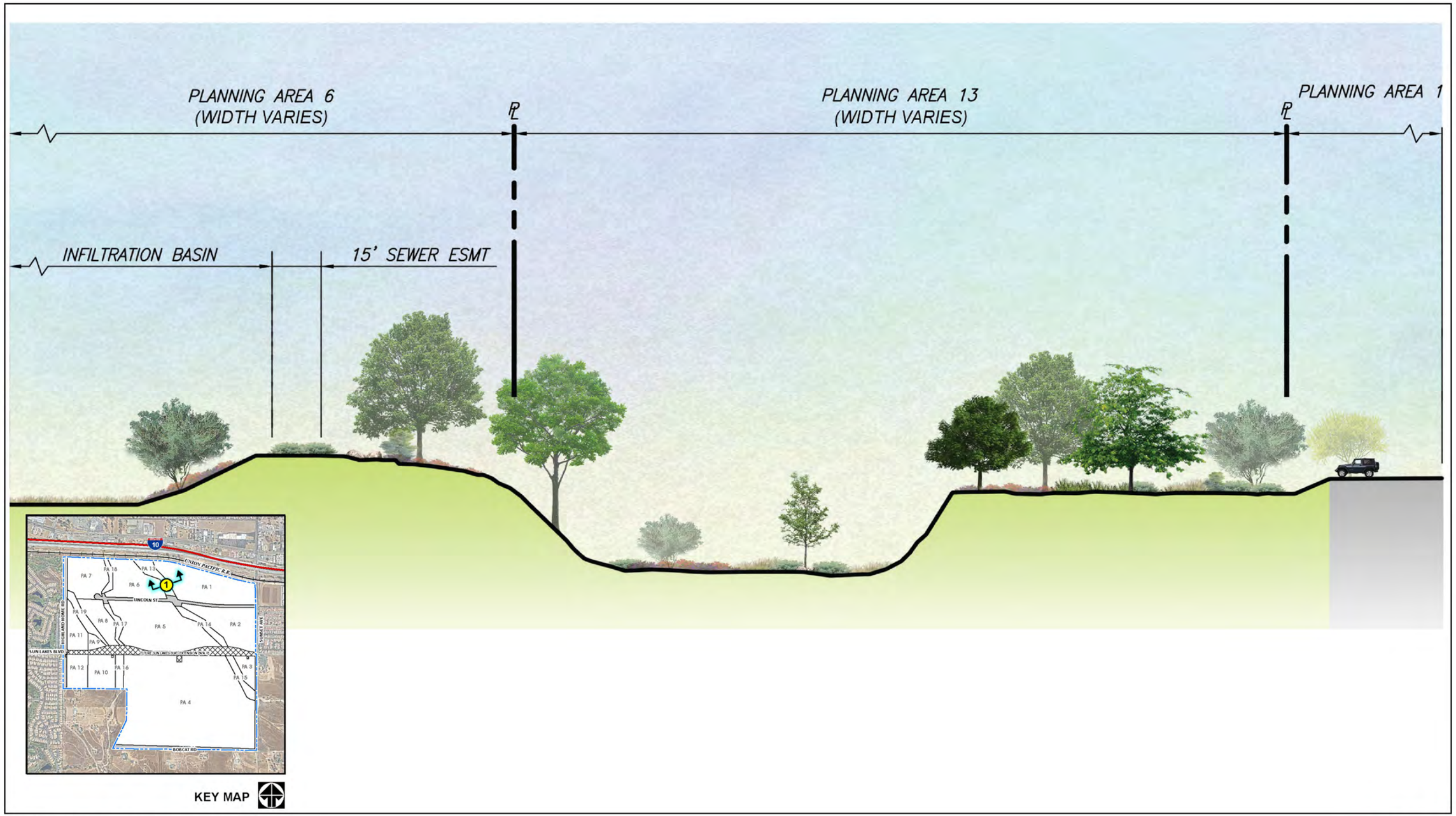
Interface #5, as illustrated on Figure 4-19, identifies the interface condition where Industrial land uses within Planning Area 4 are adjacent to the off-site open space areas to the west. In this condition, Industrial land uses are buffered from the off-site open space areas by a parking area, 40-foot-wide private drive aisle, and a landscape buffer. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

6. Conceptual Interface #6 – Industrial (Planning Area 12) to Off-Site Residential (West)

Interface #6, as illustrated on Figure 4-20, identifies the interface condition where the open space areas within Planning Area 12 are adjacent to the off-site residential land uses to the west. In this condition, existing natural drainage features within Planning Area 12 and the 110-foot-wide right-of-way of Highland Home Road act as a buffer for the residential land uses to the west. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

7. Conceptual Interface #7 – Industrial (Planning Area 7) to Off-Site Residential (West)

Interface #7, as illustrated on Figure 4-21, identifies the interface condition where Industrial land uses within Planning Area 7 are adjacent to the off-site residential land uses to the west. In this condition, Industrial land uses are buffered from the off-site residential land uses by a parking area, a landscape buffer up to 250-foot wide in some locations, and the 110-foot right-of-way of Highland Home Road. The trees, shrubs, and groundcovers within this interface are planted in accordance with Table 4-1, *Plant Palette.*

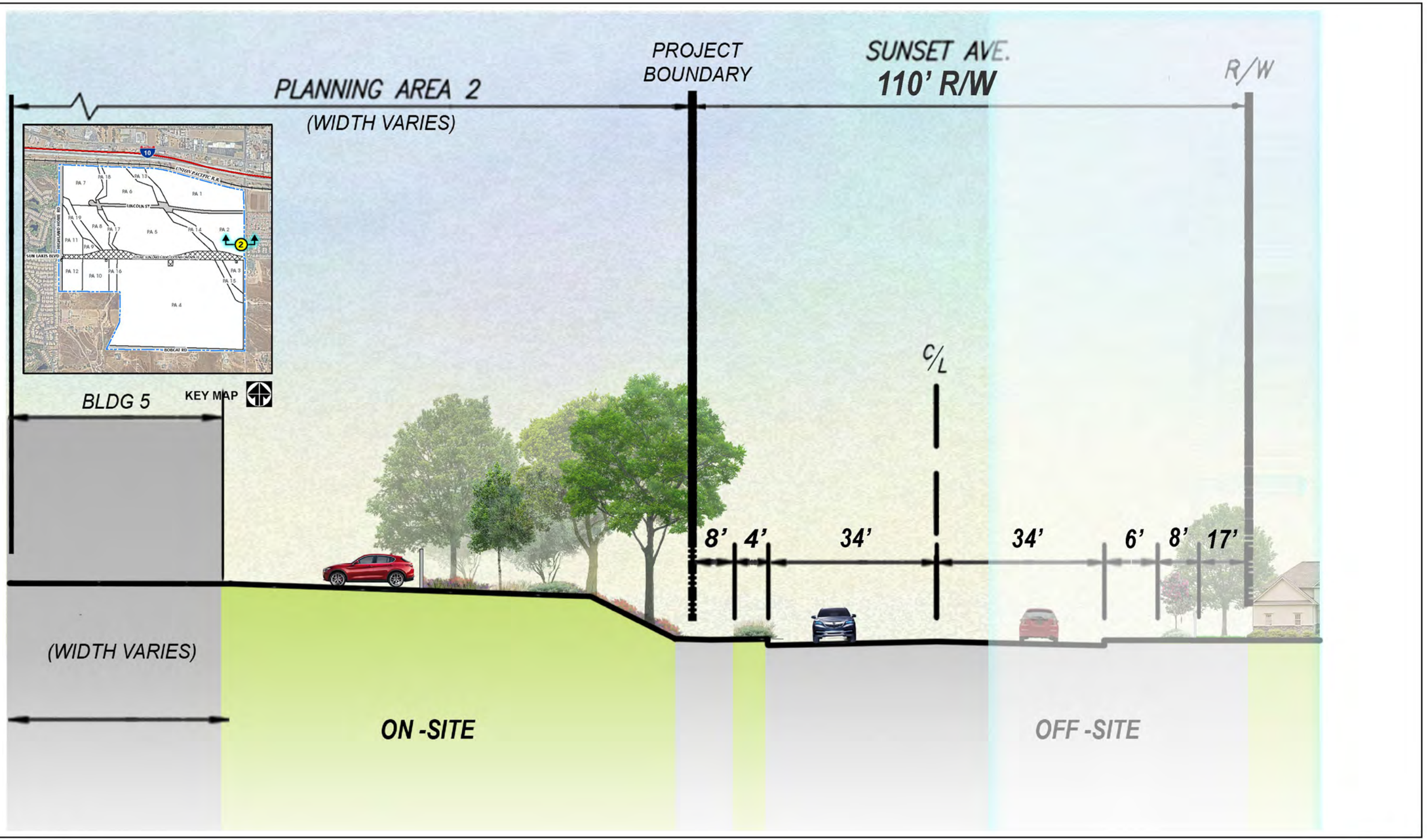


Source(s): Hunter Landscape (04-23-2021)

FIGURE 4-15

Not to Scale

Conceptual Interface #1 - Commercial (PA 1) to Open Space & Industrial (PA 6)

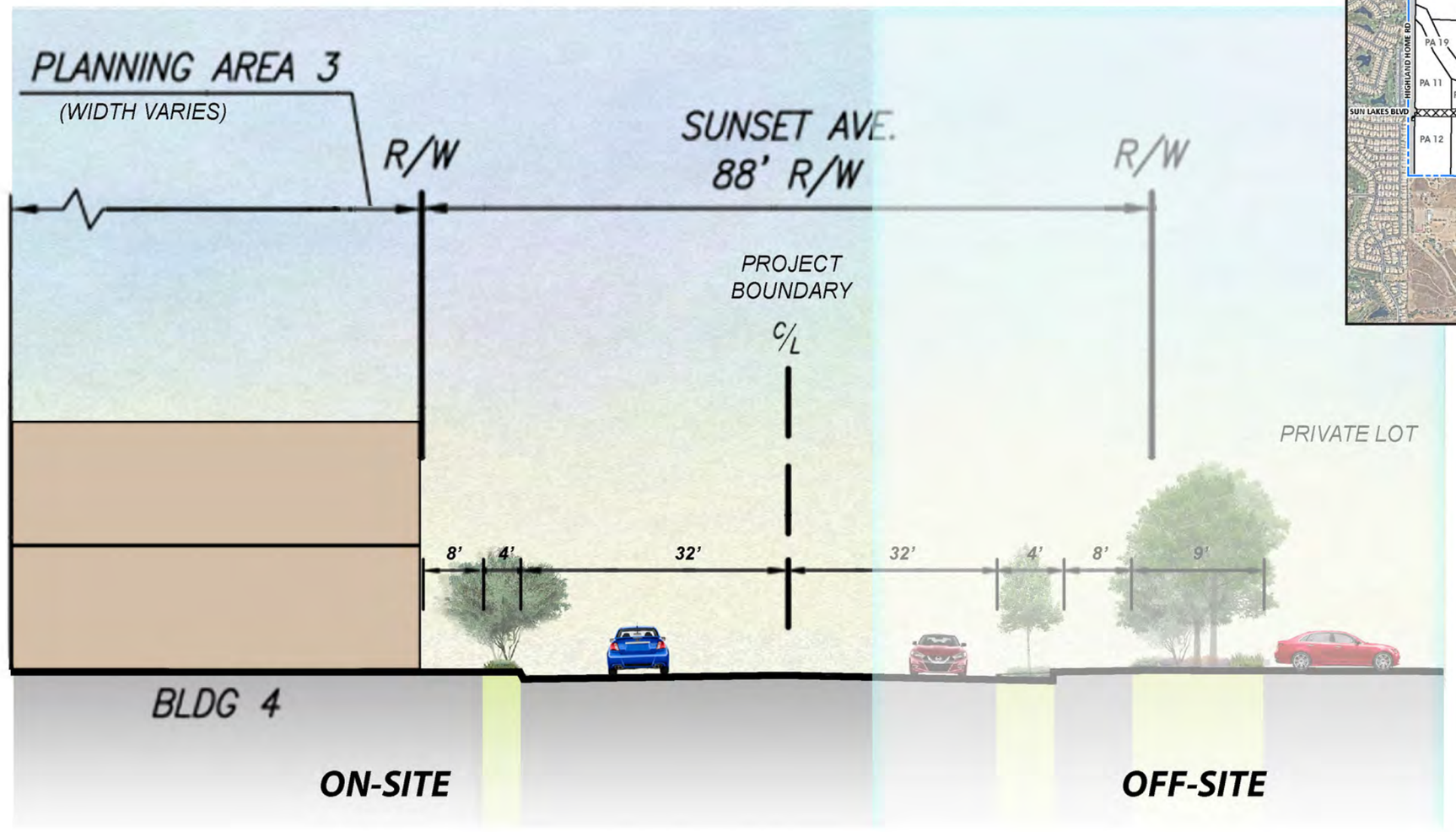


Source(s): Hunter Landscape (01-27-2023)

FIGURE 4-16

Not to Scale

Conceptual Interface #2 - Industrial (PA 2) to Off-Site Residential (East)





KEY MAP

Source(s): Hunter Landscape (01-27-2023)

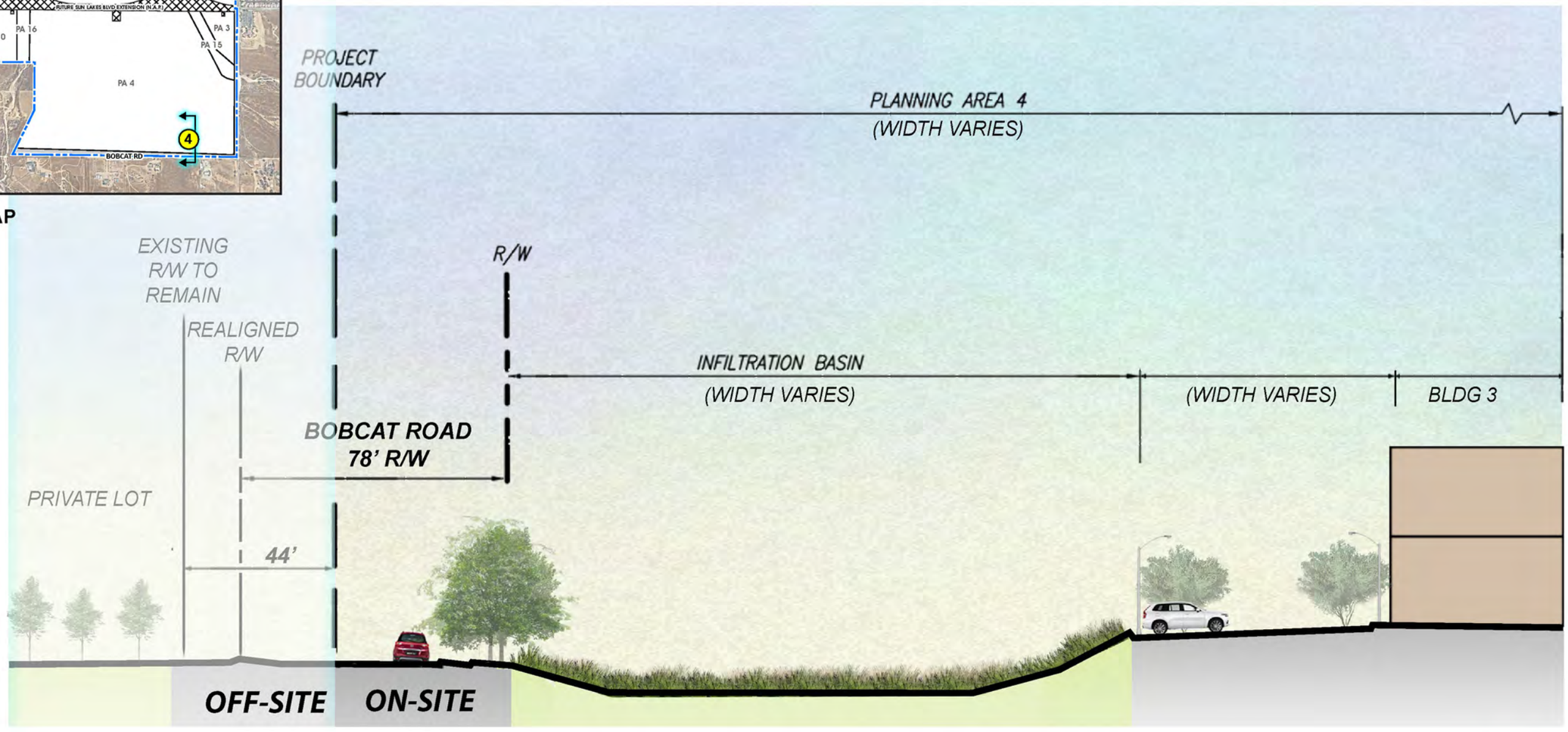
FIGURE 4-17

Not to Scale

Conceptual Interface #3 - Industrial (PA 3) to Off-Site School Site (East)



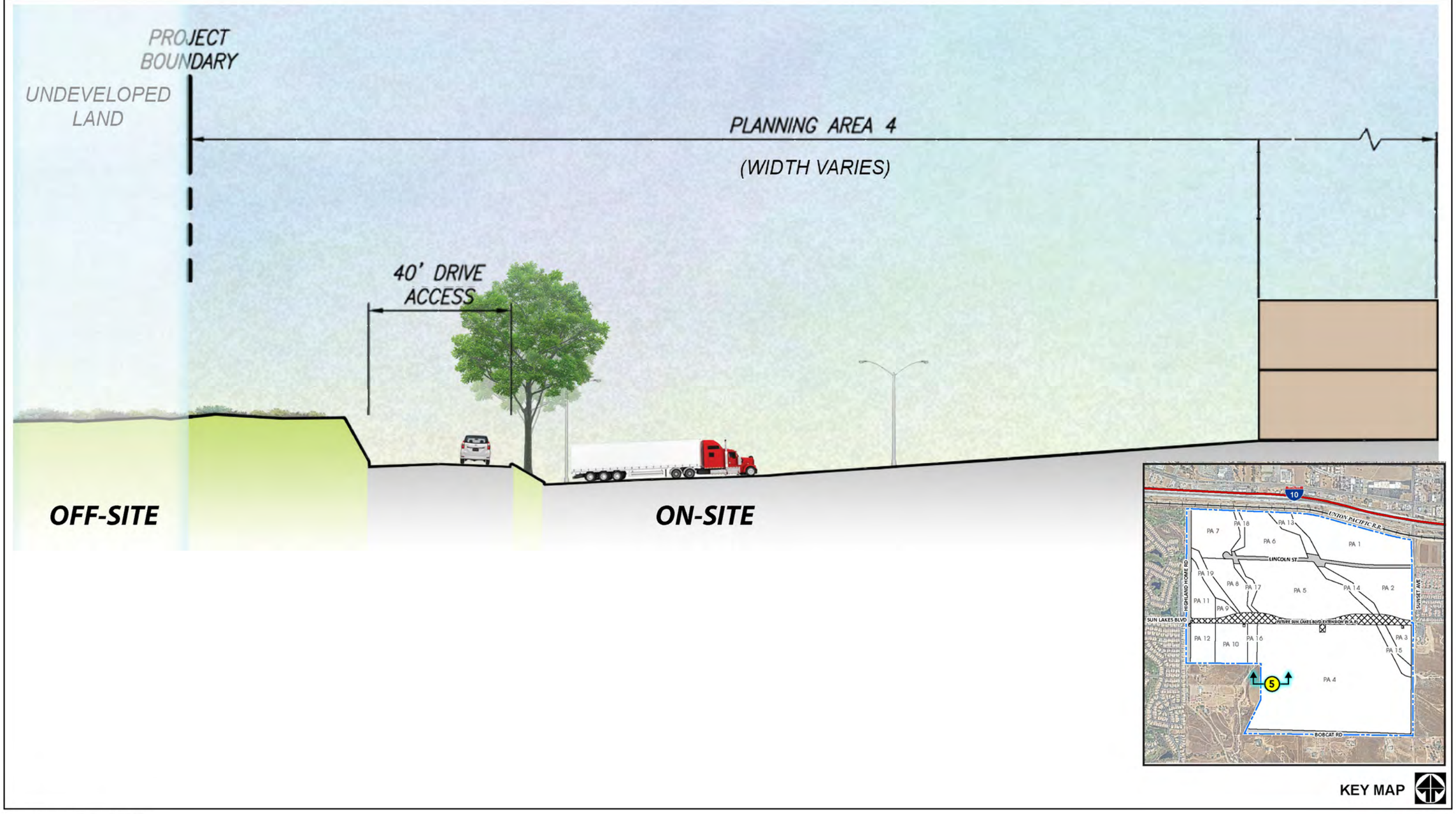
KEY MAP



Source(s): Hunter Landscape (01-27-2023)

FIGURE 4-18

Not to Scale



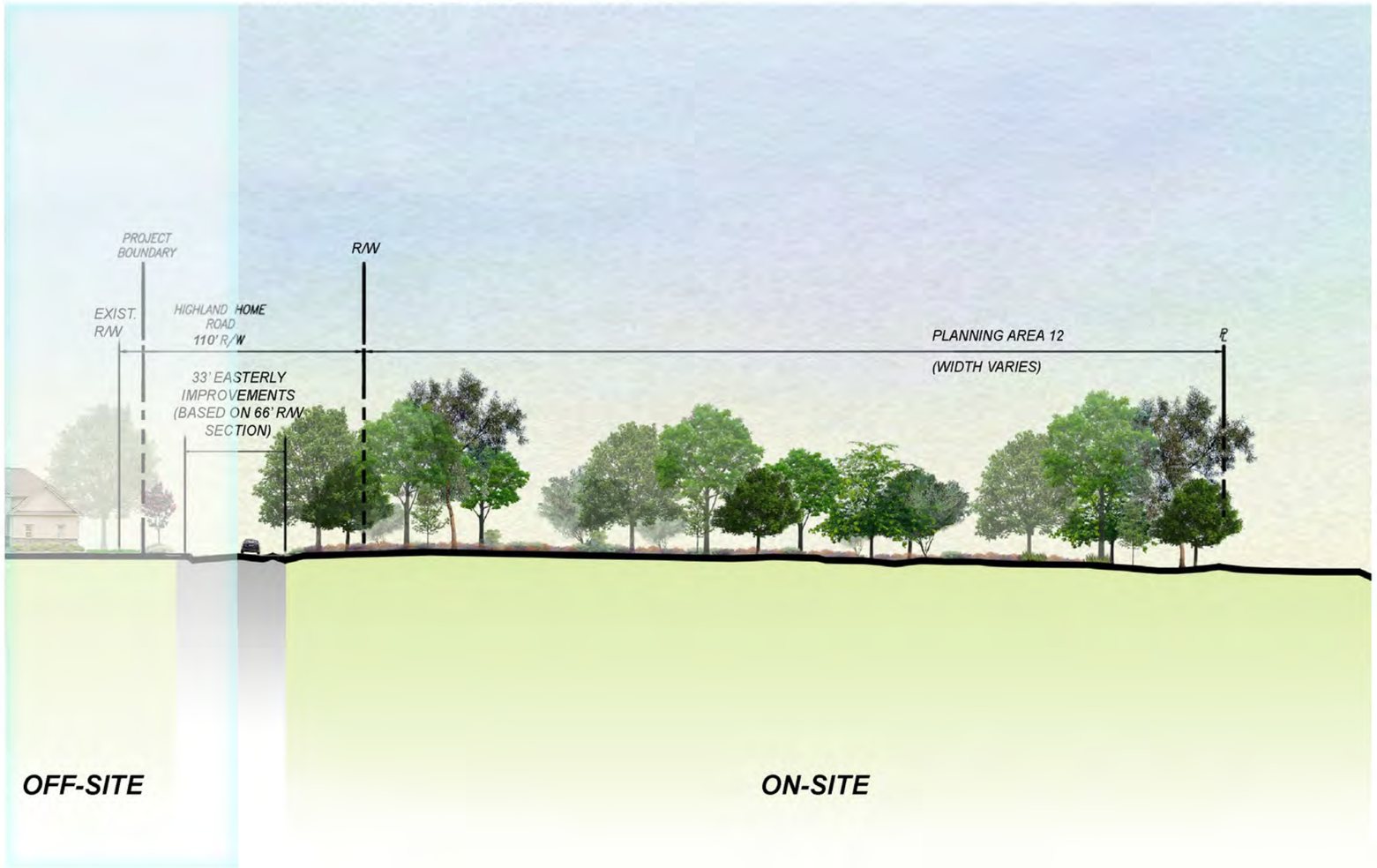
Source(s): Hunter Landscape (05-25-2021)

FIGURE 4-19

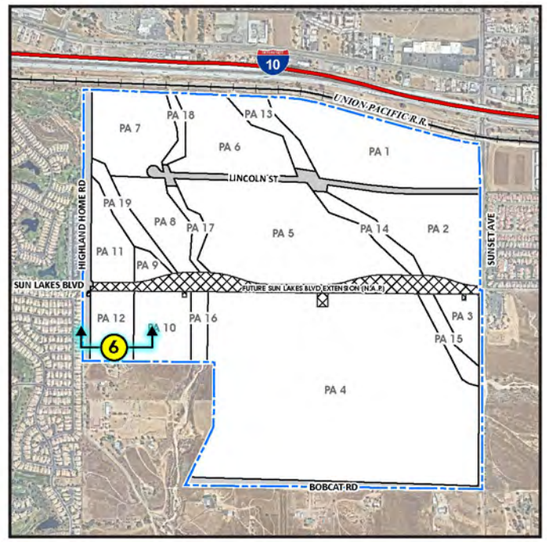
Not to Scale

Conceptual Interface #5 - Industrial (PA 4) to Off-Site Open Space

** PROJECT ONLY COMPLETING HALF-IMPROVEMENT*



KEY MAP

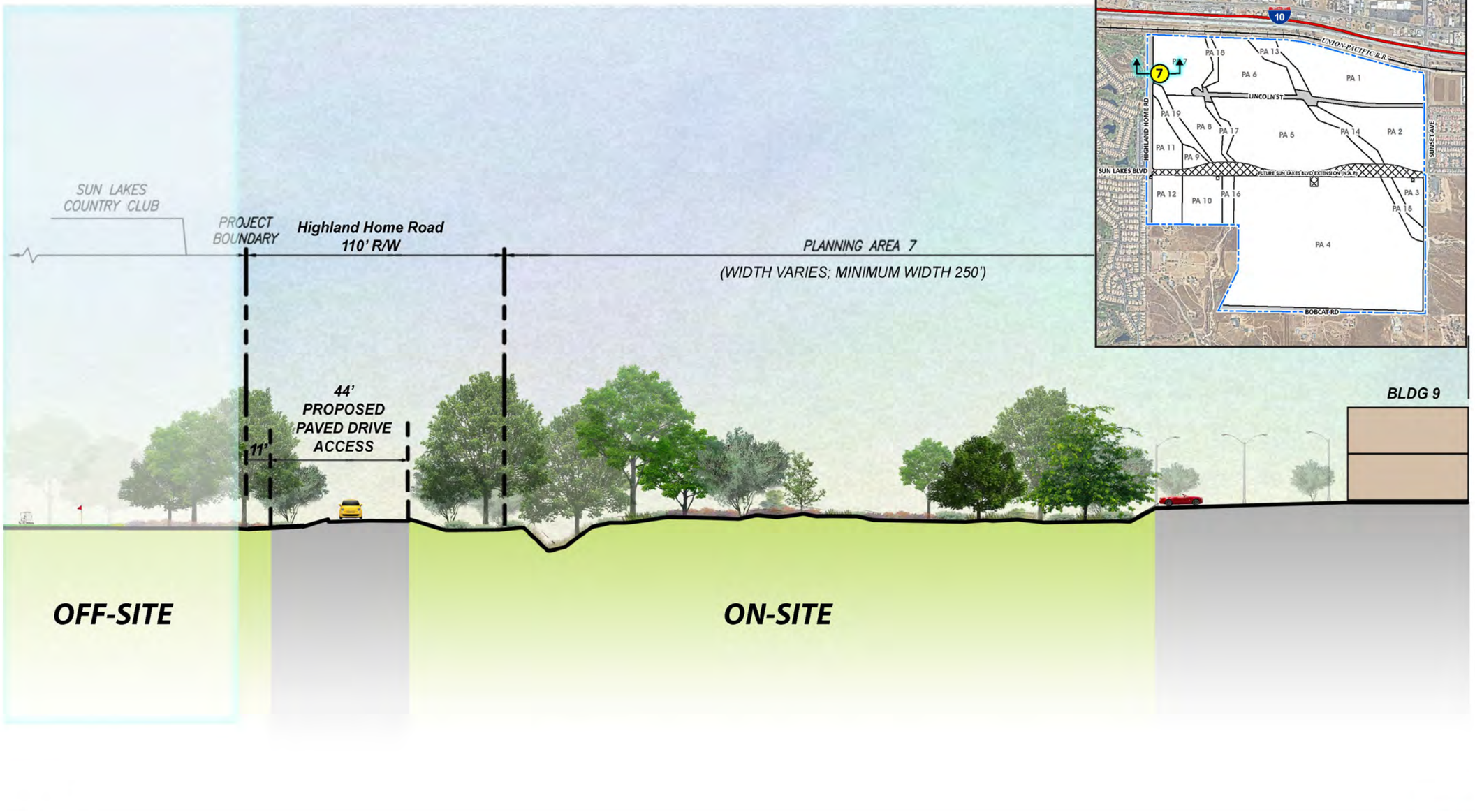


Source(s): Hunter Landscape (01-27-2023)

FIGURE 4-20

Not to Scale

Conceptual Interface #6 - Industrial (PA 12) to Off-Site Residential (West)



Source(s): Hunter Landscape (01-27-2023)

FIGURE 4-21

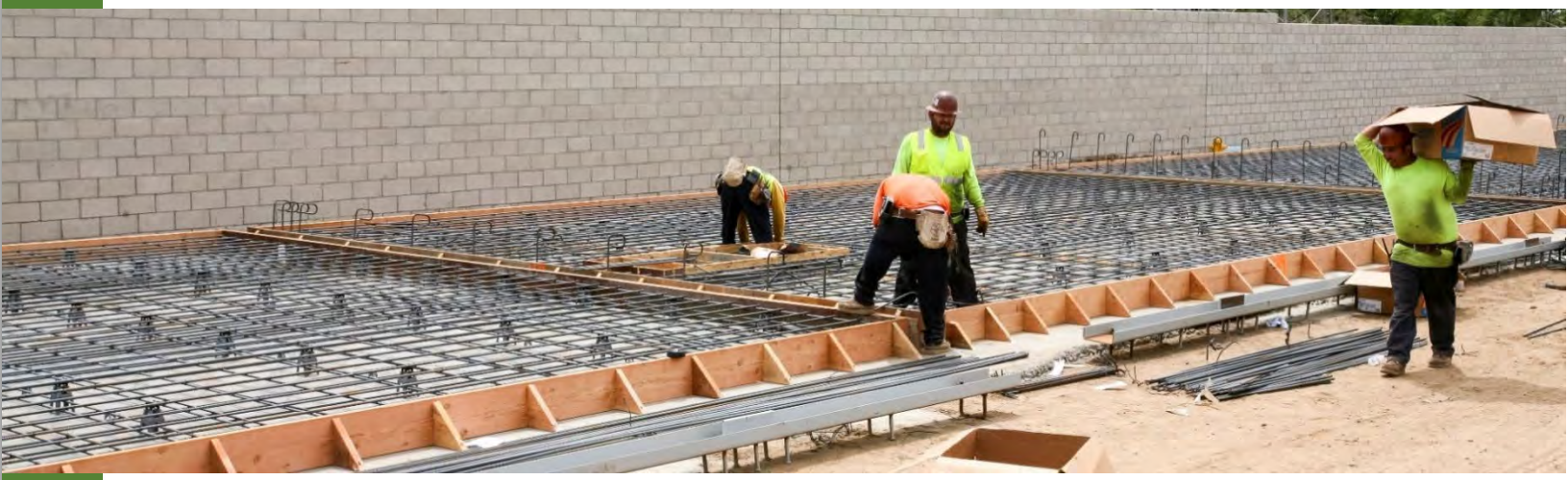
Not to Scale

Conceptual Interface #7 - Industrial (PA 7) to Off-Site Residential (West)

IMPLEMENTATION PLAN

5

CHAPTER FIVE presents the policies and procedures for the City of Banning's review and approval of implementing projects and describes the methods and procedures for interpreting and amending the Specific Plan as necessary.





5.1 IMPLEMENTATION OF SP 20-20000002

5.2 MODIFICATIONS TO THE SPECIFIC PLAN

5.3 MAINTENANCE PLAN

5.4 CONCEPTUAL PHASING PLAN

CHAPTER 5 | IMPLEMENTATION PLAN

5.1 IMPLEMENTATION OF SPECIFIC PLAN NO. 20-20000002

Approval of the SUNSET CROSSROADS Specific Plan (SP20-20000002) indicates acceptance by the City of Banning Planning Commission and City Council of the general framework of development for the 533.8-acre property described therein. Part of that framework establishes the Implementation Regulations which constitute the zoning regulations for the SUNSET CROSSROADS Specific Plan. The SUNSET CROSSROADS Specific Plan also includes Design Guidelines which establish the character of the project through its architecture and landscape design. Unlike the Implementation Regulations, the Design Guidelines are not compulsory, but are intended instead to provide clear direction while allowing flexibility during the design and review of implementing development projects. Further, it is anticipated that Specific Plan No. 20-20000002 will be implemented through a series of Design Reviews and Conditional Use Permits, which shall be reviewed and approved by the City of Banning. Approvals within the SUNSET CROSSROADS Specific Plan shall be subject to the review authority and review processes set forth in this Section.

5.1.1 APPLICABILITY

All development and proposed uses in the Specific Plan area shall comply with the Implementation Regulations set forth in this Specific Plan. Where conflicts exist between the Implementation Regulations contained in the SUNSET CROSSROADS Specific Plan and those found in the City's Zoning Ordinance, the standards in this Specific Plan shall take precedence. Implementation Regulations not addressed in this Specific Plan shall be subject to the applicable requirements of the City's Zoning Ordinance in effect at the time the submittal of an application for development within the Specific Plan or as otherwise provided in an approved and in-effect Development Agreement for the site. Unless otherwise provided for in a development agreement between the applicant and the City. In addition, procedures, notices, timelines, and appeals (including who is authorized to file appeals) not addressed in this Chapter 5, Implementation Plan shall be subject to applicable requirements of the Zoning Ordinance in effect at the time an application submitted within this Specific Plan is submitted. The Design Guidelines are not compulsory but are intended instead to provide clear direction while allowing flexibility during the design of implementing development projects. Consistency with the Design Guidelines of applications submitted within this Specific Plan shall be determined by the Community Development Director pursuant to Section 5.1.3.

5.1.2 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Specific Plan, or future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Specific Plan.

5.1.3 INTERPRETATIONS

The Community Development Director may make interpretations related to the SUNSET CROSSROADS Specific Plan and/or the applicability of Zoning Ordinance requirements or, at his/her discretion, refer interpretations to the Planning Commission for its consideration and action. Interpretations made by the Community Development Director and/or decisions made by the Planning Commission may be appealed by the applicant to the Planning Commission, if applicable, and to the City Council per the procedures contained in the Zoning Ordinance in effect at the time an application for development within the Specific Plan is submitted, unless otherwise set forth in this Chapter 5 or any then in effect Development Agreement. The Community Development Director is authorized to make a determination

that a use not listed in Table 3-1 (*Permitted Uses*) shall be allowed by the Specific Plan because it is found to be substantially similar to, or no more objectionable than, an allowed use. Such a use shall be subject to the same review requirements of the "similar" allowed use. "Substantially similar" means that the use would be consistent with the purpose and intent of the Planning Area's Land Use Designation. Appeals to interpretations made by the Community Development Director or Planning Commission may be made by any applicant pursuant to Section 5.2.7. Implementation Regulations not addressed in this Specific Plan shall be subject to the applicable requirements of the City's Zoning Ordinance in effect at the time an application for development within the Specific Plan is submitted or as otherwise provided in an approved and effective Development Agreement for the site.

5.1.4 APPROVAL AUTHORITY

1. The Community Development Director shall be responsible for administering, interpreting, and enforcing all Implementation Regulations and Design Guidelines of the Specific Plan, including the acceptance and processing of all land use permit applications.

2. The Community Development Director is also the approval authority for the following applications subject to appeal to the Planning Commission per the procedures contained in the Zoning Ordinance in effect at the time the application is submitted, unless otherwise set forth in this Chapter 5 or any then effective Development Agreement:

a. Review and approval of the Specific Plan Sign Program and Signage Design Guidelines;
b. Modification to the Specific Plan Sign Program and Signage Design Guidelines;
c. Occupancy Permits;
d. Tenant Improvement Permits (except for Building Permits which remain governed by Ordinance);
e. Lot Line Adjustments;
f. Minor Modifications to the Specific Plan;
g. Design Review - Administrative Review.

3. The Planning Commission is the approval authority for the following applications, subject to appeal to the City Council per the procedures contained in the Zoning Ordinance in effect at the time a project is submitted, unless otherwise set forth in this Chapter 5 or any then effective Development Agreement:

a. Variances;
b. Design Review - Planning Commission Public Hearing Required;
c. Conditional Use Permits (subject to the procedures of the City's Zoning Ordinance);
d. Minor Modifications to the Specific Plan with concurrent application as described in Section 5.2.3; and
e. Any timely appeal by authorized parties of the matters described in Section 5.1.4.B.

The Planning Commission is the recommending body and the City Council is the final approval authority for General Plan Amendments, Specific Plan Amendments, Zone Changes, Zoning Ordinance Amendments, Development Agreements, and Subdivision including tentative and final maps, subject to the procedures set forth in the City's Zoning Ordinance.

5.2 REVIEW AND APPROVAL OF IMPLEMENTING DEVELOPMENT PROPOSALS

Implementation of development proposals shall be subject to review and approval by the City of the land use applications identified in Section 5.2.1 through 5.2.4 (as applicable) and the City's determination in accordance with Section 5.2.6 that its actions comply with the requirements of the California Environmental Quality Act (CEQA).

5.2.1 DESIGN REVIEW

Design Review, which is initiated by an application filed by an applicant, is one of the entitlement mechanisms for implementing development within this Specific Plan. A Design Review implements uses "permitted by right" including any ancillary uses pursuant to Table 3-1, *Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses,* of this Specific Plan or other uses authorized by interpretation of the Specific Plan as described in Section 5.1.3, (Interpretations).Three (3) different Design Review processes may be used for implementing development within this Specific Plan, distinguished by the level of conformity with the Specific Plan and CEQA review requirements:

1. Design Review - Administrative Review:

A Design Review application which is found by the Community Development Director to be a "Permitted Use" or an "Ancillary Use" in compliance with the List of Permitted, Conditionally Permitted and Ancillary Uses in Table 3-1 or a use permitted without a Conditional Use Permit by interpretation as described in Section 5.1.3, (Interpretations) , shall be approved administratively by the Community Development Director, subject to Section 5.2.6 (Environmental Review) if the Community Development Director additionally finds that either:

a. The project described in the application is consistent with the overall intent and/or character of the Specific Plan and the Design Guidelines; or
b. The project described in the application is not in full compliance with other Implementation Regulations but is consistent with the overall intent and/or character of the Specific Plan and the Design Guidelines, and the Community Development Director additionally finds that: 1) that the proposed modifications are minor; and, 2) implementation of the proposed modifications would be generally consistent with the remaining Implementation Regulations, and with the overall intent and/or character of the Specific Plan and the Design Guidelines.

2. Design Review – Planning Commission Public Hearing:

A Design Review Application which is found by the Community Development Director to be a "Permitted Use" or an "Ancillary Use" in compliance with the List of Permitted, Conditionally Permitted and Ancillary Uses in Table 3-1 or a use permitted without a Conditional Use Permit by interpretation as described in Section 5.1.3, (Interpretations) but for which the Community Development Director cannot make the findings required by either Section 5.2.1.1.a. or Section 5.2.1.1 b., shall be referred by the Community Development Director to the Planning Commission for review and a determination at a public hearing. In addition, an application for Design Review shall require Planning Commission review and approval if the application includes a concurrent request for a Specific Plan Amendment or for a Minor Modification that is reviewable by the Planning Commission pursuant to Section 5.2.3. The Planning Commission may approve, condition or deny the Design Review application, or may determine that a Conditional Use Permit is required, or may determine that a Minor Modification or Specific Plan Amendment is additionally required. A Specific Plan Amendment would also require approval by City Council.

5.2.2 CONDITIONAL USE PERMITS

Uses subject to the approval of a Conditional Use Permit are identified in Table 3-1 *(Permitted, Conditionally Permitted, Ancillary, and Prohibited Uses*) of this Specific Plan with a "C" symbol. A Conditional Use Permit application is an intensive consideration of an application submitted within this Specific Plan; no Design Review application is required. Unless otherwise set forth in this Chapter 5, uses requiring the approval of a Conditional Use Permit shall be subject to the filing, required findings, notification, hearing, and appeal procedures identified in the Zoning Ordinance applicable

to Conditional Use Permits effective at the time of development permit application(s). Applications for Conditional Use Permits shall be subject to Section 5.2.6 (Environmental Review).

5.2.3 MINOR MODIFICATIONS

A Minor Modification may be used to propose minor changes to the Specific Plan text and graphics. Minor Modifications shall be reviewed and may be approved by the Community Development Director without a public hearing and shall be subject to Section 5.2.6 (Environmental Review). Any such approval shall be based on a finding made by the Community Development Director that the proposed changes to the Specific Plan text, graphics, and/or project design are minor deviations, adjustments, alterations, variations or changes which do not change the character or intent of the Specific Plan, and therefore do not require a Specific Plan Amendment.

However, a request for a Minor Modification accompanied by a concurrent application which requires Planning Commission and/or City Council review and approval, shall be reviewed and approved by the required hearing body for the concurrent application(s).

The following particular minor deviations, modifications or changes to the Specific Plan, along with other minor modifications that the Community Development Director may determine do not change the character or intent of the Specific Plan, shall be subject to review and administrative approval by the Community Development Director as a Minor Modification:

1. Modifications to the Specific Plan text and graphics which do not substantially change the character or intent of SUNSET CROSSROADS Specific Plan.
2. Modifications to the Specific Plan text or graphics resulting from any of the following:
    a. Modifications to the right of way width, improvements and/or alignment of any roadway within the Specific Plan or bordering the Specific Plan that is requested or directed by any department of the City of Banning, or any other governmental or quasi-governmental agency.
    b. Modifications to the location, size and/or timing of the installation of any sanitary sewer, storm drain, potable water or recycled water facility that is requested or directed by any department of the City of Banning, or any other governmental or quasi-governmental agency.
    c. Addition, deletion or relocation of any public facility, requested or directed by any department of the City of Banning, including but not limited to fire station, electrical substation, water reservoir, reverse osmosis facility or any other type of facility intended to be owned or operated by the City of Banning or any other governmental or quasi-governmental agency.
3. Expansion or reduction of the net acreage of any Planning Area (and accompanying expansion or reduction of the net acreage covered by a given land use designation) provided that such change does not increase the size of any Planning Area by more than 20%.
4. Increases or decreases of no more than 20% to development intensity/density or building square footage within any or all of the Planning Areas, provided that the overall Maximum Building Square Footage for Industrial uses and for General Commercial uses within this Specific Plan is not exceeded. Maximum Building Square Footage is defined as the total square footage of all floors in structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof.
5. Construction of buildings across Planning Area boundaries with the same Land Use Designation, which cross over into abutting Planning Areas, subject to all of the applicable Implementation Regulations and Design

Guidelines of this Specific Plan. Buildings constructed across Planning Area boundaries or lot lines shall not, by themselves, trigger the requirement for a Specific Plan Amendment.

6. Modifications to landscape coverage that result in reductions in coverage of less than 25% of that stated within the Specific Plan.
7. Modifications to the SUNSET CROSSROADS signage requirements contained in this Specific Plan or to any subsequently approved Specific Plan Sign Program and Signage Design Guidelines.
8. Modifications to the heights of walls and fences by no more than 1 foot.
9. Decrease in parking requirements of not more than 10 spaces with a parking study reviewed and approved by the Community Development Director. Applications submitted within this Specific Plan shall be consistent with parking requirements set forth in the Zoning Ordinance Section 17.28.
10. Other minor changes, deviations, adjustments, alterations, variations or modifications of a similar nature to those listed above or which are deemed minor by the Community Development Director, including (i) minor changes, adjustments, alterations, variations, deviations or modifications to landscape materials, wall materials, wall alignment, entry design, streetscape design, and the lengths and/or location of streets not identified in the General Plan Circulation Element and or pursuant to modifications on the final map and (ii) minor modifications to the Implementation Regulations (except for the Permitted, Conditionally Permitted, and Ancillary Uses) and Design Guidelines set forth in this Specific Plan, provided such changes, adjustments, alterations, variations, deviations or modifications are consistent with the intent of the Implementation Regulations and Design Guidelines and with the character and intent of the Specific Plan, and in substantial conformance with the City of Banning General Plan.

5.2.4 SPECIFIC PLAN AMENDMENTS

All Specific Plan modifications which do not meet the criteria of a Minor Modification as defined in Section 5.2.3 shall be deemed to require a Specific Plan Amendment. When public hearings are authorized or required to adopt Amendments to the Specific Plan, notices of public hearings shall be provided, and hearings held in accordance with the relevant procedural provisions of the Zoning Ordinance then in effect. Specific Plan Amendments shall be processed in accordance with the applicable provisions of State law provided in California Government Code section 65450 et. seq. and shall be subject to the review and approval of the City Council. The Planning Commission shall first hear and consider applications for Specific Plan Amendments and provide a recommendation to the City Council.

Any Specific Plan Amendment initiated by an applicant requires the filing of a City application and required materials supporting the amendment, submittal of a fee deposit, Planning Commission review and recommendations, and City Council review and final decision.

5.2.5 SPECIFIC PLAN SIGN PROGRAM

Prior to the approval of the first application submitted within this Specific Plan, a comprehensive Specific Plan Sign Program and Signage Design Guidelines for the SUNSET CROSSROADS Specific Plan consistent with the Signage Design Guidelines (Section 4.5) shall be prepared and reviewed pursuant to Section 5.1.4 (*Approval Authority*),. The Specific Plan Sign Program and Signage Design Guidelines shall establish provisions for the development and use of signs within the Specific Plan. The Specific Plan Sign Program and Signage Design Guidelines shall exclusively regulate the development and use of all signs within the Specific Plan and shall take precedence over the provisions of the Zoning Ordinance related to signs (Section 17.36.110 - *Sign regulations).*

5.2.6 ENVIRONMENTAL REVIEW

The SUNSET CROSSING Specific Plan and all subsequent entitlements for the Project shall be subject to CEQA. For purposes of CEQA, the SUNSET CROSSROADS Specific Plan is considered a "project." The evaluation of environmental impacts under CEQA for the SUNSET CROSSROADS Specific Plan is contained in the project's Environmental Impact Report, a project level environmental impact report certified by the City of Banning concurrently with the approval of the SUNSET CROSSROADS Specific Plan (EIR). Adoption of the SUNSET CROSSROADS Specific Plan, for which an environmental determination shall be made, and mitigation measures adopted, shall be deemed to have satisfied the environmental review requirements for build out of the Specific Plan area. Because the Project has been extensively reviewed in the EIR, it is the intent of the City in adopting this Specific Plan that applications for implementing entitlements for the Project, including with respect to grading, improvements, individual maps, buildings or phases, consistent with this Specific Plan shall not require additional review under CEQA, provided that none of the conditions are present which require further environmental review under CEQA, in particular, Public Resources Code Section 21166.

Upon filing of any application by applicant, a review in compliance with CEQA shall be conducted by the City to determine potential environmental impacts resulting from each land use application to implement the Specific Plan, if any, and if said proposal is consistent with the EIR, does not require subsequent environmental documentation, or is exempt from the provisions of CEQA. The CEQA review shall be undertaken as part of the review process for applications submitted within this Specific Plan. The Community Development Director shall make the determination as to the level of CEQA documentation (exemption, addendum, supplemental EIR, supplemental MND, or subsequent EIR or no further review required), that is appropriate and may request and obtain technical information as necessary to make this determination.

Although the EIR analyzes a range of uses as part of a conceptual development plan, it is recognized that the intent of the Specific Plan is not to identify a particular mixture or intensity of land uses, but rather to designate areas where a mixture of commercial or industrial uses may be developed. To permit development of the full range of uses described by the Specific Plan, any use shall be considered consistent with the intent of the Specific Plan if the City, in considering an application for a specific permitted use, conditionally permitted use or ancillary use, determines that no significant environmental impacts not addressed in the EIR or subsequent environmental documentation result from such proposed use.

5.2.7 APPEALS

Notwithstanding any other provision of this Specific Plan or the Zoning Ordinance, appeals from any determination of the Community Development Director and/or Planning Commission with respect to all matters may be made on forms provided by the City of Banning, and accompanied by the appropriate filing fee, where applicable, within fifteen (15) days following the final date of action for which an appeal is made. Except as specifically set forth in this Chapter 5, appeals may be brought and shall be processed consistent with the Zoning Ordinance.

5.3 MAINTENANCE PLAN

Successful operation of maintenance entities and maintenance associations are important in maintaining the quality of a development. The public and private improvements constructed within SUNSET CROSSROADS shall be maintained through a combination of public and private entities as described in Table 5-1, *Maintenance Responsibilities.* A Master Property Owners' Association (MPOA) and/or Property Owner's Association (POA) shall be established for the maintenance of privately-owned common area landscape improvements, storm water and water quality management facilities, and private driveways within areas of SUNSET CROSSROADS. Indication of more than one party responsible for maintenance of any facility on Table 5-1, infers that maintenance may be undertaken by one party or any

combination of the listed parties, subject to a formal agreement. For areas in public ownership (such as public roadway ROWs), maintenance districts may fund the maintenance of these areas.

5.4 CONCEPTUAL PHASING PLAN

The SUNSET CROSSROADS Specific Plan is designed for development in response to market demands and according to the logical and orderly extension of roadways, public utilities, and infrastructure. The exact timing of implementation for any Planning Area may vary based on several factors, including market and economic demands, as well as physical constraints or timing of infrastructure improvements. It is anticipated three different types of phasing would occur to implement the Specific Plan: 1) Grading, 2) Mapping, and 3) Infrastructure Construction and Development. Development of the Planning Areas may take place in any order.

GRADING

Phasing of the grading may occur in two (2) or more phases and in any order: 1) north of the SLB Extension, and 2) south of the SLB Extension, and/or may occur in smaller increments, subject to approved Grading Plans and Permits.

MAPPING

Phasing of the mapping may occur with multiple Tentative Parcel Maps anticipated to be processed for the Specific Plan.

INFRASTRUCTURE CONSTRUCTION AND DEVELOPMENT

Planning Areas may be developed in any sequence, or increment, provided that the infrastructure improvements required to serve the implementing development are available at the time of development or constructed concurrently with the development. Planning Areas which are dependent on adjacent Planning Areas for access shall demonstrate the ability to provide the necessary infrastructure and access, including the construction of interim infrastructure, prior to issuance of building permits. Applications submitted within this Specific Plan s may be approved by the City of Banning Planning Department, provided vehicular access, public facilities and infrastructure is constructed to adequately service the development or as needed for public health and safety in each stage of development.

An agreement with the City of Banning or other capable service provider shall be made in writing which states that the provision of services to any application submitted within this Specific Plan shall be available prior to the recordation of any subdivision maps.

TABLE 5-1 MAINTENANCE RESPONSIBILITIES

FACILITY	MASTER PROPERTY OWNERS' ASSOCIATION	PROPERTY OWNER OR OCCUPANT	CITY OF BANNING	OTHER MAINTENANCE ENTITY[1]
CIRCULATION & RELATED FACILITIES				
Public Roadways				
Pavement & Curbs			X	
Landscaping within public right-of-way, including medians and parkways			X	
Sidewalks			X	
Private Driveways and Drive Aisles	X	X		
Parking Lots, including landscaping	X	X		

FACILITY	MASTER PROPERTY OWNERS' ASSOCIATION	PROPERTY OWNER OR OCCUPANT	CITY OF BANNING	OTHER MAINTENANCE ENTITY[1]
Traffic Signals[2]			X	
Traffic Signs				
Within public right-of-way			X	
Outside public right-of-way	X			
Street Lights				
Within public right-of-way			X	
Outside public right-of-way	X			
UTILITY INFRASTRUCTURE				
Potable Water Facilities/Infrastructure	X		X	
Reclaimed Water Facilities/ Infrastructure	X		X	
Sanitary Sewer Facilities/Infrastructure	X		X	
Storm Water Drainage Facilities/ Infrastructure	X			X
Dry Utilities (Natural Gas, Communications Systems)				X
Dry Utilities (Electricity)			X	
LANDSCAPING, OPEN SPACE, & RELATED FACILITIES				
Open Space-Resource Planning Areas 13 through 19 (Existing Natural Drainage Courses)	X			X
Planning Area 11 (Park Site)			X	
Planning Area 11 (Open Space/Trails)	X			
Planning Area 12 (Open Space-Resource/Trails/ Open Space)	X			
Common area landscaping, including entry treatments	X			X
Entry Monumentation, Freeway Oriented Freestanding Signs, and Other Signage	X	X		
Walls and Fences	X	X		
Outdoor Employee Patio Areas	X	X		
Outdoor Plazas/Gathering Areas	X	X		

Notes:
1. Other Maintenance Entities may include utility providers, resource agencies, City Departments, park districts, flood control district, Landscape, Lighting and Maintenance District (LLMD), and other public/private entities. 2. Traffic signals and utility facilities/infrastructure may require maintenance easements.

3. The existing steel pole electrical power line shall be protected in place at the northern boundary via a 20' easement.

END OF DOCUMENT

REVISIONS		
NO.	BY	DESCRIPTION

"FOR FINANCE AND CONVEYANCE PURPOSES"

TENTATIVE PARCEL MAP NO. 38118

IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION SECTIONS 1 AND 8, T.3 S., R.1 E., S.B.M.

NOVEMEBER 2022

EASEMENT NOTES:

THE FOLLOWING MATTERS AFFECT PARCEL 'A':

(23) AN EASEMENT FOR PIPELINE FOR THE TRANSPORTATION OF GAS AND INCIDENTAL PURPOSES, RECORDED MAY 24, 1947 IN BOOK 837, PAGE 151 OF OFFICIAL RECORDS. IN FAVOR OF: SOUTHERN CALIFORNIA GAS COMPANY AFFECTS: AS DESCRIBED THEREIN (AFFECTS PARCELS 1, 3 AND 4), (AFFECTS, PLOTTED AND SHOWN).

(24) AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, RECORDED AUGUST 4, 1955 IN BOOK 1776, PAGE 565 OF OFFICIAL RECORDS.
IN FAVOR OF: THE SOUTHERN PACIFIC PIPE LINES
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, PLOTTED AND SHOWN)

(25) AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, RECORDED OCTOBER 9, 1957 IN BOOK 2160, PAGE 197 OF OFFICIAL RECORDS.
IN FAVOR OF: FOUR CORNERS PIPE LINE COMPANIES, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN (AFFECTS PARCELS 3 AND 4), (AFFECTS, PLOTTED AND SHOWN).

(26) AN EASEMENT FOR POLE LINES AND CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES, RECORDED OCTOBER 30, 1967 AS INSTRUMENT NO. 95256 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THERE IN (AFFECTS THAT PORTION OF PARCELS 1 AND 2 AND LOTS F, G, H AND I AS SHOWN BY SAID PARCEL MAP), (AFFECTS, PLOTTED AND SHOWN).

(27) AN EASEMENT FOR VALVE SITE AND INCIDENTAL PURPOSES, RECORDED JANUARY 12, 1970 AS INSTRUMENT NO. 2822 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN PACIFIC PIPE LINES
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, PLOTTED AND SHOWN)

(28) AN EASEMENT FOR POLE LINES AND CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES, RECORDED OCTOBER 21, 1971 AS INSTRUMENT NO. 120393 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING AFFECTS: AS DESCRIBED THEREIN (AFFECTS PARCELS 2 AND LOTS F AND G)
(UNABLE TO PLOT, ILLEGIBLE DOCUMENT)

(29) AN EASEMENT FOR ROADWAY AND UTILITY AND INCIDENTAL PURPOSES, RECORDED MAY 1, 1985 AS INSTRUMENT NO. 91551 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THEREIN
AFFECTS, PLOTTED AND SHOWN

(30) AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 27, 1985 AS INSTRUMENT NO. 267807, JULY 15, 1986 AS INSTRUMENT NO. 165173 AND JULY 18, 1986 AS INSTRUMENT NO. 169201, ALL OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THERE IN (AFFECTS PARCELS 2 AND 4 AND LOT G) (AFFECTS, PLOTTED AND SHOWN)

(37) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES, RECORDED JUNE 2, 1993 AS INSTRUMENT NO. 206062 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THEREIN (AFFECTS PARCEL 3), (AFFECTS, PLOTTED AND SHOWN)

(39) AN EASEMENT FOR TELEPHONE, PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MARCH 8, 2000 AS INSTRUMENT NO. 2000-083977 OF OFFICIAL RECORDS.
IN FAVOR OF: WILLIAMS COMMUNICATIONS, INC, D/B/A VYOX, INC.
AFFECTS: AS DESCRIBED THEREIN (AFFECTS PORTIONS OF PARCEL C LOTS A, F AND G), (AFFECTS, PLOTTED AND SHOWN)

THE FOLLOWING MATTERS AFFECT PARCEL 'B':

(43) AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 6, 1956 AS INSTRUMENT NO. 61764 IN BOOK 1967, PAGE 154 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN PACIFIC PIPELINES, INC.
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, BLANKET IN NATURE)

(44) AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 18, 1971 AS INSTRUMENT NO. 15792 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN CALIFORNIA GAS COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN (AFFECTS THOSE PORTIONS OF LOTS "J" AND "K" AS DEFINED AND DELINEATED ON SAID MAP)
(AFFECTS, PLOTTED AND SHOWN)

(45) AN EASEMENT FOR UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 13, 1975 AS INSTRUMENT NO. 17525 OF OFFICIAL RECORDS.
IN FAVOR OF: GENERAL TELEPHONE COMPANY OF CALIFORNIA
AFFECTS: AS DESCRIBED THEREIN (AFFECTS THOSE PORTIONS OF LOTS "H" AND "I" AS DEFINED AND DELINEATED ON SAID MAP)
(AFFECTS, PLOTTED AND SHOWN)

(46) AN OFFER OF DEDICATION FOR ROADS AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 15, 1980 AS INSTRUMENT NO. 167534 OF OFFICIAL RECORDS.
TO: COUNTY OF RIVERSIDE
(AFFECTS LOTS "A" THROUGH "I" AS DEFINED AND DELINEATED ON SAID MAP), AFFECTS, PLOTTED AND SHOWN

(47) AN EASEMENT TO CONSTRUCT, OPERATE, REMOVE AND USE, STORM DRAINS, CULVERTS AND INCIDENTAL PURPOSES, RECORDED APRIL 20, 1990 AS INSTRUMENT NO. 145145 OF OFFICIAL RECORDS.
IN FAVOR OF: SAN GORGONIO VENTURES, A JOINT VENTURE
AFFECTS: PARCEL 6 AND LOT F (AFFECTS, PLOTTED AND SHOWN)

(48) AN EASEMENT FOR PIPELINES AND UTILITY LINES, VEHICULAR ACCESS AND INCIDENTAL PURPOSES, RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015510 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING, A MUNICIPAL CORPORATION
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, BLANKET IN NATURE)

THE FOLLOWING MATTERS AFFECT PARCEL 'C':

(51) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 13, 1981 AS INSTRUMENT NO. 27112 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, BLANKET IN NATURE)

(52) AN EASEMENT SHOWN OR DEDICATED ON THE MAP AS REFERRED TO IN THE LEGAL DESCRIPTION FOR: STREET AND PUBLIC UTILITY AND INCIDENTAL PURPOSES.
(AFFECTS LOTS A, B AND C)
THE SAID OFFERS OF DEDICATION WERE NOT ACCEPTED AS PER MAP. SAID OFFER OF DEDICATIONS WERE ACCEPTED FOR THE PURPOSES OF VESTING TITLE IN THE COUNTY OF RIVERSIDE ON BEHALF OF THE PUBLIC FOR PUBLIC ROAD AND UTILITY USES, BUT THAT SAID ROADS SHALL NOT BECOME A PART OF THE COUNTY MAINTAINED ROAD SYSTEM UNTIL ACCEPTED PURSUANT TO SECTION 941 OF THE STREETS AND HIGHWAYS CODE, AS PER RESOLUTION NO. 83-214 RECORDED AUGUST 01, 1983 AS INSTRUMENT NO. 155250 OF OFFICIAL RECORDS.A PORTION OF THE SAID PUBLIC ROAD HAS BEEN ACCEPTED INTO THE COUNTY MAINTAINED ROAD SYSTEM THROUGH RESOLUTION NO. 92-077 RECORDED MARCH 03, 1992 AS INSTRUMENT NO. 72074 OF OFFICIAL RECORDS. (AFFECTS, CONTAINS NO PLOTTABLE ITEMS)

(55) COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED OCTOBER 2, 1980 AS INSTRUMENT NO. 181265 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION, OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, GENETIC INFORMATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SOURCE OF INCOME (AS DEFINED IN CALIFORNIA GOVERNMENT CODE § 12955(P)) OR ANCESTRY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATION 42 U.S.C. § 3604(C) OR CALIFORNIA GOVERNMENT CODE § 12955. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MAY 8, 2003 AS INSTRUMENT NO. 2003-331721 OF OFFICIAL RECORDS.
(AFFECTS, NO PLOTTABLE ITEMS)

(56) AN EASEMENT TO CONSTRUCT, MAINTAIN, OPERATE, REPAIR, REMOVE, RECONSTRUCT AND USE, STORM DRAIN CULVERTS AND/OR ENERGY DISSIPATERS APPURTENANT STRUCTURES AND INCIDENTAL PURPOSES, RECORDED APRIL 20, 1990 AS INSTRUMENT NO. 145146 OF OFFICIAL RECORDS.
IN FAVOR OF: SAN GORGONIO VENTURES, A JOINT VENTURE
AFFECTS: PARCEL 1), (AFFECTS, PLOTTED AND SHOWN)

(57) AN EASEMENT FOR AND/OR REMOVE PIPELINES AND UTILITY LINES AND INCIDENTAL PURPOSES, RECORDED JANUARY 15, 1998 AS INSTRUMENT NO. 015510 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING, A MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS
AFFECTS: AS DESCRIBED THEREIN
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
(AFFECTS, BLANKET IN NATURE)

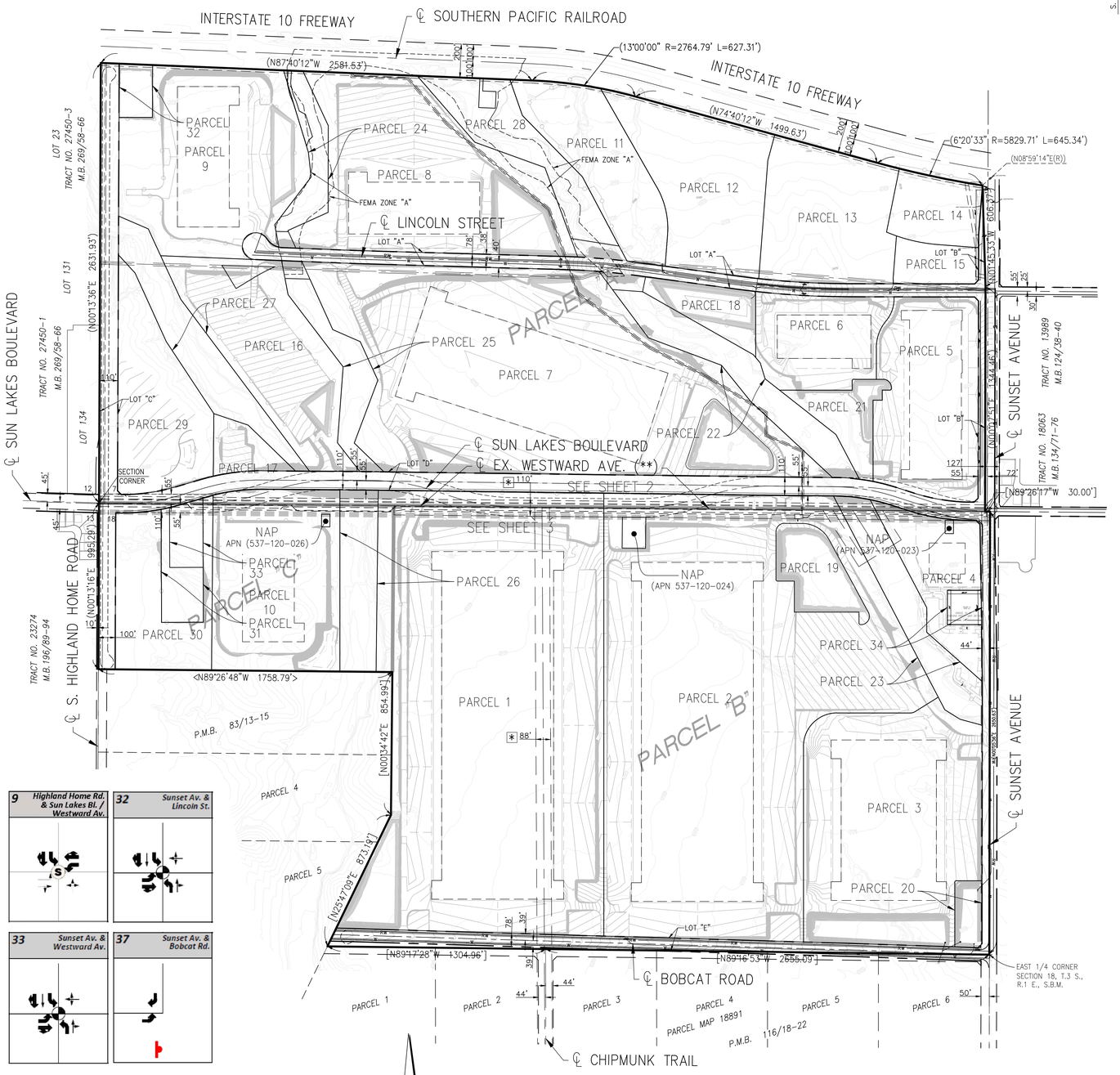
THE FOLLOWING MATTERS AFFECT ALL PARCELS:

(80) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED MEMORANDUM OF AGREEMENT BETWEEN CO-TENANTS, EXECUTED BY AND BETWEEN LENNAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION AND MSD SUNSET CROSSROADS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED APRIL 15, 2011 AS INSTRUMENT NO. 2011-0167574 OF OFFICIAL RECORDS.
(DOCUMENT NOT PROVIDED)

(40) AN EASEMENT FOR PUBLIC ROAD AND UTILITY AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 9, 2012 AS INSTRUMENT NO. 2012-0542517 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, PLOTTED AND SHOWN)

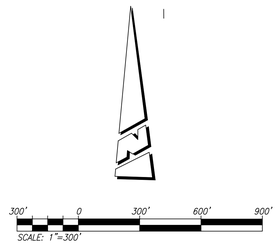
(41) AN EASEMENT FOR SLOPE AND MAINTENANCE AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 9, 2012 AS INSTRUMENT NO. 2012-0542518 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, PLOTTED AND SHOWN)

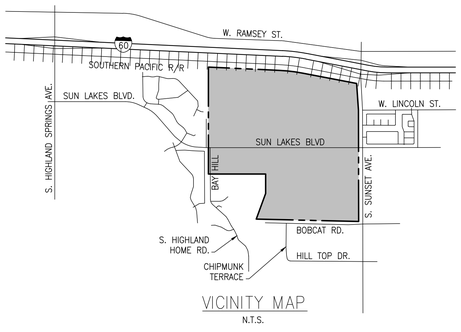
(42) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 9, 2012 AS INSTRUMENT NO. 2012-0542519 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BANNING
AFFECTS: AS DESCRIBED THEREIN, (AFFECTS, PLOTTED AND SHOWN)



PARCEL SUMMARY TABLE

PARCEL	PROP. LAND USE
12-15	GENERAL COMMERCIAL
1-10, 16-21, 32, 34	INDUSTRIAL
22-28, 30, 31, 33	OPEN SPACE - RESOURCE
29	OPEN SPACE - PARKS
LOT "A"	LINCOLN ST. DEDICATION
LOT "B"	SUNSET AVE. DEDICATION
LOT "C"	HIGHLAND HOME RD. DEDICATION
LOT "D"	SUN LAKES BLVD. DEDICATION
LOT "E"	BOBCAT RD. DEDICATION





VICINITY MAP

N.T.S.

LEGAL DESCRIPTION:

PARCEL "A"

PARCELS 1 THROUGH 4, AND LETTERED LOTS LOTS "A" THROUGH "J", OF PARCEL MAP 25541, AS PER MAP RECORDED
IN BOOK 166, PAGES 27-35, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, IN THE CITY OF BANNING, STATE OF CALIFORNIA.

A.P.N.: 537-110-003, 537-110-004, 537-110-005, 537-110-012, 537-110-007, 537-110-008, 537-110-009, 537-110-010 AND 537-110-011

PARCEL "B"

PARCELS 1 THROUGH 9, AND LETTERED LOTS "A" THROUGH "O", OF PARCEL MAP 28971, AS PER MAP RECORDED IN BOOK 198, PAGES 8-10, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, IN THE CITY OF BANNING, STATE OF CALIFORNIA;

EXCEPTING THEREFROM PARCELS 3 AND 7, THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED JANUARY 18, 1998, AS INSTRUMENT NO. 98-015506, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM, PARCEL 3 ALL THAT PORTION CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED MARCH 22, 2002, AS INSTRUMENT NO. 2002-146041, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

A.P.N.: 537-120-028, 537-120-029, 537-120-031, 537-120-032, 537-120-033, 537-120-034, 537-120-035, 537-120-036 AND 537-120-030

PARCEL "C"

PARCELS 1 AND 2, AND LETTERED LOTS "A" THROUGH "c", OF PARCEL MAP 13521, AS PER MAP RECORDED IN BOOK 83, PAGES 13-15, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, IN THE CITY OF BANNING, STATE OF CALIFORNIA;

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF BANNING BY A DEED RECORDED JANUARY 18, 1998, AS INSTRUMENT NO. 98-015506, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

A.P.N.: 537-120-025 AND 537-120-013

GENERAL INFORMATION:

1. DATE OF MAP PREPARATION: NOVEMBER 2022
2. GROSS AREA: 555.6 ACRES NET AREA: 505.5 ACRES
3. THIS PARCEL MAP CONTAINS 34 PARCELS AND 5 LETTERED LOTS.
4. EXISTING LAND USE: VACANT
5. EXISTING GENERAL PLAN WITH ZONING OVERLAY:
   GENERAL COMMERCIAL
   HIGH DENSITY RESIDENTIAL
   MEDIUM DENSITY RESIDENTIAL
   OPEN SPACE-HILLSIDE PRESERVATION
   OPEN SPACE-PARKS
6. PROPOSED LAND USE: COMMERCIAL/INDUSTRIAL/OPEN SPACE/PARKS
7. PROPOSED ZONING: SPECIFIC PLAN (SP)
8. ADJACENT LAND USES:
   WEST: RESIDENTIAL
   SOUTH: VACANT/RESIDENTIAL
   NORTH: RAILROAD/FREEWAY
   EAST: VACANT/RESIDENTIAL
9. SCHOOL: BANNING UNIFIED SCHOOL DISTRICT
10. PROPOSED WATER: SERVICE WILL BE PROVIDED BY THE CITY OF BANNING
11. POLICE AND FIRE: SERVICES WILL BE PROVIDED BY THE CITY OF BANNING
12. PROPOSED SEWER: SERVICES WILL BE PROVIDED BY THE CITY OF BANNING
13. ALL UTILITIES SHALL BE UNDERGROUND
    GAS: SOUTHERN CALIFORNIA GAS COMPANY
    ELECTRIC: CITY OF BANNING
    TELEPHONE: FRONTIER
    CABLE TV: SPECTRUM
    SEWER: CITY OF BANNING
    WATER: CITY OF BANNING
    STORM DRAIN: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND CITY OF BANNING
14. THOMAS GUIDE: MAP PAGE 721
15. AERIAL TOPOGRAPHY PREPARED BY: AEROTECH MAPPING
16. FEMA FLOOD ZONE: 'X' AND 'A' PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 06065C0816G, EFFECTIVE 8/28/2008
    (ZONE "A" NOTED ON PLAN, REMAINDER ZONE "X")
17. CONTOUR INTERVAL: 2'
18. THE SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS TENTATIVE MAP
19. STREETS WILL BE CONSTRUCTED PER THE CITY OF BANNING STANDARDS

OWNER/DEVELOPER:

NP BANNING INDUSTRIAL, LLC.
3315 N. OAK TRAFFICWAY
KANSAS CITY, MO 64116

EARTHWORK:

RAW CUT: 2,266,112 C.Y.
RAW FILL: 2,118,698 C.Y.

ENGINEER/REPRESENTATIVE:

PROACTIVE ENGINEERING CONSULTANTS WEST, INC.
27404 VIA INDUSTRIA, 2ND FLOOR
TEMECULA, CA 92590
PHONE: 951-200-6840

PREPARED BY:

ENGINEER/REPRESENTATIVE

PREPARED UNDER THE SUPERVISION OF:

07/11/24
DATE

GEORGE ALAN LENFESTEY
R.C.E. 45920, EXP 12/31/24

REGISTERED PROFESSIONAL ENGINEER GEORGE ALAN LENFESTEY No. 45920 Exp. 12/31/24 CIVIL STATE OF CALIFORNIA

SURVEY NOTES:

( ) INDICATES RECORD DATA PER PARCEL MAP NO. 25541, P.M.B. 166/21-35
< > INDICATES RECORD DATA PER PARCEL MAP NO. 13521, P.M.B. 83/13-15
[ ] INDICATES RECORD DATA PER PARCEL MAP NO. 28971, P.M.B. 198/8-10
[*] INDICATES EXISTING RIGHT-OF-WAY TO BE ABANDONED ON FINAL PARCEL MAP
** INDICATES EXISTING RIGHT-OF-WAY TO BE ABANDONED FOR ROAD PURPOSES. EASEMENT TO REMAIN IN PLACE FOR UTILITY PURPOSES.

LEGEND

- STREET CENTER LINE
- PARCEL BOUNDARY
- (XXXX) EXISTING CONTOUR
- SLOPE
- MATCH LINE
- R/W - RIGHT-OF-WAY
- C/L - CENTERLINE
- BSL - BUILDING SETBACK LINE
- P - BUILDING PAD ELEVATION
- (X) - EASEMENT REFERENCE NUMBER

REVISIONS		
NO.	BY	DESCRIPTION

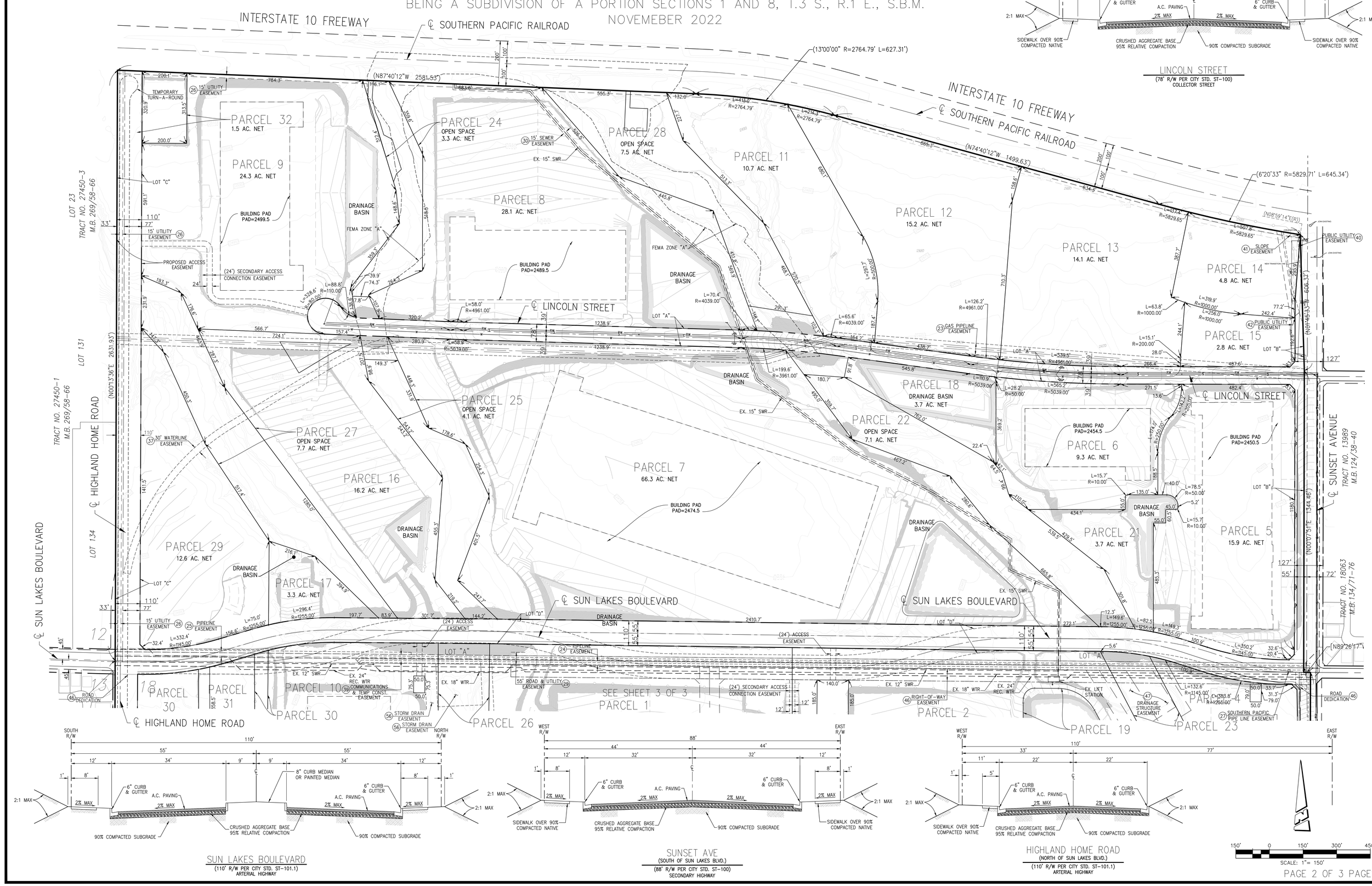
"FOR FINANCE AND CONVEYANCE PURPOSES"

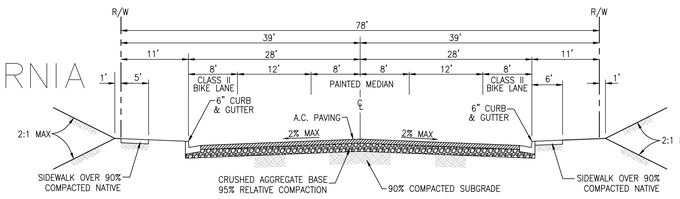
TENTATIVE PARCEL MAP NO. 38118

IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION SECTIONS 1 AND 8, T.3 S., R.1 E., S.B.M.

NOVEMEBER 2022





SUN LAKES BOULEVARD
(110' R/W PER CITY STD. ST-101.1)
ARTERIAL HIGHWAY

SUNSET AVE
(SOUTH OF SUN LAKES BLVD.)
(88' R/W PER CITY STD. ST-100)
SECONDARY HIGHWAY

HIGHLAND HOME ROAD
(NORTH OF SUN LAKES BLVD.)
(110' R/W PER CITY STD. ST-101.1)
ARTERIAL HIGHWAY

150' 0 150' 300' 450'
SCALE: 1"= 150'

REVISIONS		
NO.	BY	DESCRIPTION

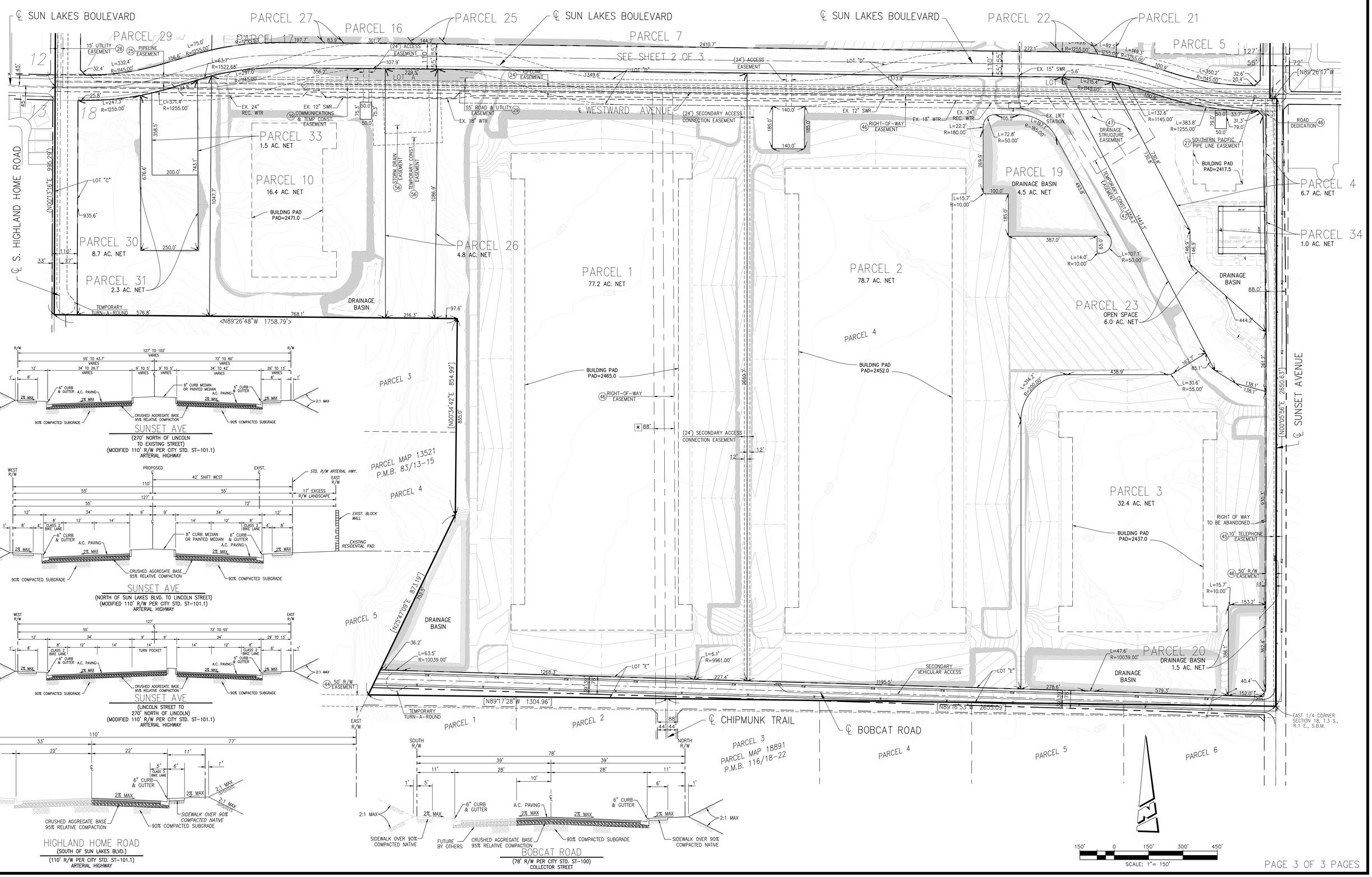
"FOR FINANCE AND CONVEYANCE PURPOSES"

TENTATIVE PARCEL MAP NO. 38118

IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION SECTIONS 1 AND 8, T.3 S., R.1 E., S.B.M.

NOVEMEBER 2022



Sunset Crossroads Specific Plan

Please click on the link below to access the following documents:

- Draft Environmental Impact Report (DEIR) and Appendices.
- Final Environmental Impact Report (FEIR), Appendices, Findings and MMRP.

https://www.banningca.gov/762/Sunset-Crossroads-Specific-Plan

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SUNSET CROSSROADS PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

CITY OF BANNING, CALIFORNIA

SCH #2021020011

September 2025

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ATTACHMENT

A: STATEMENT OF OVERRIDING CONSIDERATIONS

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1.0 INTRODUCTION AND PURPOSE

The City of Banning (the City) makes the Findings described below in connection with its undertaking of the following actions: (1) certifying the Sunset Crossroads Project Environmental Impact Report (SCH #2021020011) (EIR) prepared by the City of Banning (City) (2) approving the Sunset Crossroads Specific Plan and additional discretionary approvals listed in Subsection 1.3.2 below in connection with development of an approximately 533.8-acre property (Development Site) located partly within the City of Banning (City) and in part in the City's sphere of influence (SOI) in unincorporated Riverside County (County) and (3) approving a General Plan Amendment, zone change, and rezoning of the Mt. San Jacinto College (MSJC) Site for approximately 41 acres of the 49.2 acre property located in the City at the southeast corner of Sunset Avenue and Westward Avenue (MSJC Site). The Findings are based upon the entire record before the City, as described in Subsection 1.5 below, including the EIR. The term EIR as used in these Findings includes the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, and Final EIR, collectively.

These Findings constitute the decision-making findings of the City as required by the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA") and the State CEQA Guidelines, Title 14, California Code of Regulations, Section 15000, et seq. "CEQA Guidelines" in connection with the certification of the EIR for the Project and the adoption of a Mitigation Monitoring and Reporting Plan ("MMRP") and a Statement of Overriding Considerations for the proposed Project. The City is the lead agency pursuant to CEQA with respect to the Project. These Findings are attached and incorporated by reference into each and every staff report, resolution, and ordinance associated with approval of the Project. These Findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the Findings. All numbered references identifying specific mitigation measures relative to the proposed Project refer to numbered mitigation measures found the EIR and the MMRP.

1.1 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The statute also provides that the procedures required by CEQA are "intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Finally, Section 21002 indicates that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

To implement these provisions, CEQA requires that public agencies shall not approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant adverse environmental effects of a project unless the public agency makes one or more

written Findings for each of the Project's significant effects, accompanied by a brief explanation of the rationale for each Finding[1]. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the Project and/or measures have been identified which avoid or substantially lessen the significant environmental effect to below identified thresholds (referred to in these Findings as "CEQA Finding 1").

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (referred to in these Findings as "Finding 2").

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR [referred to in these Findings as "Finding 3"].

The EIR includes all exhibits and appendices thereto, the list of persons, organizations and public agencies commenting on the EIR, the comments that were received by the City regarding the EIR, and the City's written responses to comments raised in the public review and comment process, all of which are incorporated herein and made a part hereof by reference. Pursuant to *State CEQA Guidelines* Section 15084, the EIR has been reviewed and analyzed by the City of Banning as the Lead Agency with respect to the Project and the EIR. The following findings for the Project and each fact in support of a finding are thus based upon substantial evidence in the record.

1.2 DOCUMENT FORMAT

These Findings have been categorized into the following sections:

- Section 1 of these Findings provides introductory information including Project description and location, discretionary actions to be undertaken in connection with the Project and the Project objectives; a summary of the environmental review and public participation process and the record of proceedings; and identification of the Final EIR contents, and this section regarding the organization and format of these Findings.
- Section 2 provides certain findings the City is required to make pursuant to CEQA.
- Section 3 identifies the Development Project's potential environmental effects determined not to be significant, and for which no mitigation is required.
- Section 4 identifies the potentially significant effects of the Development Project that are determined to be mitigated to a less-than-significant level and describes the mitigation measures implemented to achieve that result.
- Section 5 identifies the significant and unavoidable effects of the Development Project and describes the feasible mitigation measures implemented to lessen the impacts identified.

[1] *State CEQA Guidelines* § 15091.

- Section 6 contains the findings of the City regarding significant and irreversible environmental effects of the Project.
- Section 7 identifies the findings regarding growth inducing impacts of the Project.
- Section 8 contains the findings of the City with respect to the MSJC Entitlements.
- Section 9 contains the findings of the City with respect to Cumulative Impacts.
- Section 10 contains the findings of the City with respect to Alternatives of the Project.

The MMRP is incorporated by reference and made a part of these Findings.

A Statement of Overriding Considerations prepared pursuant to CEQA Guidelines Section 15093 is attached to these Findings as Attachment A.

1.3 PROJECT SUMMARY

1.3.1 Project Description/Location

Project Location

NP Banning Industrial, LLC (Project Applicant) proposes to develop an approximately 533.8-acre property (Development Site) located partly within the City and in part in the City's SOI in the County. The northerly portion of the Development Site is approximately 280.1 acres (Northern Portion of the Development Site) and is located in the City, while the southerly portion of the Development Site (Southern Portion of the Development Site) is approximately 253.7 acres within the City's SOI. The Development Site is located immediately south of I-10 and the Union Pacific Railroad (UPRR), between Highland Home Road and Sunset Avenue and north of Bobcat Road. The Development Site is bisected by the existing Westward Avenue right of way (Existing ROW), the centerline of which divides the land within the City and the unincorporated County land. The Existing ROW and adjoining .8 acres of land owned by the City and used for water wells are not part of the Development Site or the Development Project.

The Development Site is crossed by various natural drainages. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site. Vegetation cover on the Development Site reflects a history of dry farming and cattle grazing disturbance over a majority of the site and consists primarily of non-native grasslands, with patches of Riversidean sage scrub, mixed ornamental woodland, and sandy wash. The sandy wash habitat is associated with two deeply incised drainage courses and a tributary that flow through the Development Site. Pershing Creek flows in a northwest to southeast direction through the eastern portion of the Development Site and Smith Creek c flows in a north-south direction. Highland Wash is a smaller drainage course and tributary to Smith Creek that confluences with Smith Creek near Westward Avenue.

The Project also includes the 49.2-acre MSJC Site. Approximately 8.3 acres of the MSJC Site are currently developed with MSJC Campus features. The balance of the MSJC Site is undeveloped, with no existing structures, and vegetation that is a mosaic of Riversidean sage scrub, grassland, and water habitats. Pershing Creek crosses the MSJC Site from the west across Sunset Avenue, entering the southern portion of the MSJC Site.

Current campus facilities, comprising one administration building, two classroom buildings, and one ancillary building, and surface parking are located on three parcels collectively encompassing 8.3 acres. The MSJC Site is zoned Public Facilities (PF) with the School (S) suffix, as identified through Chapter 17.16 of the Banning Municipal Code (BMC).

Project Description

The Project analyzed in the EIR consists of the Development Project and MSJC Entitlements, both of which are described below. The Development Project is analyzed at a project level in the Draft EIR pursuant to CEQA Guidelines Section 15161 and consists of the proposed commercial and industrial development of the Development Site is of up to 5,067,000 square feet of commercial and industrial uses within 19 Planning Areas. In addition to roads, the Development Project's master-planned on-site infrastructure improvements include potable water, wastewater, reclaimed water lines, and stormwater management, including water quality management/flood control systems, dry utilities, roadways and sidewalks, landscaping, and a park.

The Development Project is primarily defined by the Sunset Crossroads Specific Plan (Specific Plan). The Specific Plan establishes zoning regulations for commercial and industrial uses on the Development Site, including, but not limited to, allowed uses, intensity of use, building heights, setbacks, lot area and dimensions, parking, landscaping, signage, as well as to identify on-site circulation and infrastructure improvements necessary to support the Development Project. The Specific Plan establishes four General Plan Land Use Designations: General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R). Within the Development Site, 19 Planning Areas are geographic areas to which identified Implementation Regulations, Development Standards, and Design Guidelines described in the Specific Plan are applied. The Planning Areas would accommodate commercial, industrial, and open space uses.

Commercial (GC). The approximately 47.9-acre commercial district of the Development Site (Planning Area 1) is bordered on the east by Sunset Avenue and stretches along the northeast portion of the Development Site between Lincoln Street and the site boundary. A maximum of 268,400 square feet of commercial uses, which may include leisure, retail, medical office, professional office, education, wellness, recreation, entertainment, restaurant, and other retail uses, operating out of a number of buildings aligned along an internal road (yet to be named) that would be accessed from Sunset Avenue. This portion of the Development Project is designed as a regional commercial and entertainment attraction, that may include warehouse club stores, multigenerational destinations such as activity and wellness-based retail uses , and other athletic activities. Restaurants (with patio areas) and specialty retail uses that would orient inwards to central open space areas are proposed to allow for outdoor activities and as connections between uses along with an internal system of pedestrian walkways. Table 3-1 of the Sunset Crossroads Specific Plan (Draft EIR, Appendix B) provides a detailed list of permitted, conditionally permitted, ancillary, and prohibited uses within the Specific Plan area, and the Specific Plan in Section 3.2 at page 3-5 provides that if the environmental impacts of proposed uses exceed those analyzed in the EIR, the City will conduct additional environmental review before approving any such use.

The proposed commercial uses include a freeway accessible 125-room (approximately 90,000-square-foot) hotel that would include a fitness room, hotel lobby, common area, office/management/

engineering area, laundry facilities, and outdoor or indoor pool. The commercial area further includes a fueling station and carwash with 20 vehicle fueling stations and 6 commercial fueling stations to accommodate recreational vehicles and multi-axle tractor trailers and electric vehicle charging stations. The fueling facility would be accessed from Sunset Avenue or Lincoln Street and as analyzed would include four 20,000-gallon underground storage tanks (USTs).

Industrial (I). The Specific Plan would provide for development of up to 5,067,000 square feet of industrial land uses on approximately 392.0 acres within the Development Site. Based on its proximity to the Sunset Avenue interchange at I-10, the Development Project would facilitate the development of warehousing, distribution, manufacturing, and other industrial uses. To accommodate future tenants, the Specific Plan allows the size of individual buildings to vary within an established range (increasing or decreasing by up to 20 percent); however, the overall square footage of buildings in the industrial Planning Areas is capped at 5.545 million square feet. The Development Project considered in the EIR comprises industrial buildings ranging in size from 44,000 square feet up to 1,420,000 square feet and accommodating uses such as general industrial, manufacturing, parcel hub, warehouse/storage, truck/trailer parking and storage, recreational vehicle (RV) storage, high cube warehouse, fulfillment center, and e-commerce operations. The Development Project's Development Agreement would restrict industrial development on PA 2. The industrial building sites within the Development Project may include outdoor employee break areas with tables affixed to the ground to provide employees with a location to eat, gather, and enjoy being outside. Shading of these areas may be achieved through a combination of shade trees, umbrellas, or fabricated shade structures. Other open space amenities within the industrial areas may include pedestrian walkways, seating areas, overhead structures, and open space areas. Development of the industrial Planning Areas shall be subject to the applicable Infrastructure Improvement Standards, Development Standards, and Planning Area Standards set forth in the Specific Plan.

A proposed 65 MWh BESS facility would be a permitted use in any of the industrial use planning areas. However, it would likely be associated with the planned electrical substation in PA 7. Direct access to the industrial Planning Areas would be provided from Sunset Avenue via Lincoln Street, Westward Avenue and a variety of internal driveways, and from Highland Home Road, the SLB Extension (upon completion), and Bobcat Road.

The MSJC Entitlements are analyzed at a programmatic level in the Draft EIR pursuant to CEQA Guidelines Section 15168 because no specific development project is currently proposed to implement the MSJC Entitlements described below, and because they are logical parts in a chain of contemplated actions. To comply with Government Code Section 66300 *et seq*., contemporaneously with its consideration of the Development Project, the City proposes to adopt a General Plan amendment and rezone the MSJC Site, owned by the Mt. San Jacinto Community College District (MSJCCD), to very high-density residential development, creating capacity for not less than 1,146 housing units to ensure no net loss of residential capacity as required by Government Code Section 66300 *et seq*.

The City has initiated a General Plan Land Use Amendment (GPA) and a change to the Official Zoning Map (ZC), respectively, on the MSJC Site which will change the land use designation and zoning from PF–S (Public Facilities-Schools) to VHDR (Very High Density Residential), with a density range of 18–24 dwelling units per acre (18–24 DU/AC). The City's VHDR land use district allows condominiums and

townhomes, as well as apartments with the provision of common area amenities and open space. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. To ensure that the college facilities and any future residential development are compatible, and to provide for the clustering allowed by the City's Municipal Code, the City will establish a Specific Plan Zoning Overlay (SPZO) ("Overlay") coterminous with the MSJC Site boundary. The Overlay would require preparation of a Specific Plan, pursuant to Chapter 17.96 of the BMC prior to development of residential uses on the MSJC Site, to ensure the MSJC Site is developed in a cohesive manner and accounting for the provision of adequate public infrastructure (i.e., roads, storm drain, sewer, potable and recycled water availability) and would provide the opportunity for clustering of residential development, to provide for a mixed-use school facility and residential development on the property. Because the MSJC Entitlements would not result in physical changes to the environment and would only allow for the future development of the MSJC Site, no physical environmental impacts would result from the MSJC Entitlements action.

The Development Project and the MSJC Entitlements are referred to collectively in the EIR as the Project, while the Development Site and MSJC Site are collectively referred to as the Project Sites.

1.3.2 Discretionary Actions

The following discretionary and administrative actions are required of the City to implement the Project. The EIR prepared for the Project covers all discretionary and administrative approvals which may be needed to construct or implement the Project, whether or not they are explicitly listed. They include:

- **City of Banning Planning Commission**
    - Recommendation to the City Council regarding Certification of the Project EIR No. 2021020011
    - Recommendation to the City Council regarding Adoption of Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
    - Recommendation to the City Council regarding General Plan Amendment No. 20-2501
    - Recommendation to the City Council regarding the adoption by Ordinance of Zoning and Pre-Zoning of Specific Plan No. 20-20000002, Zoning Change 20-3502
    - Recommendation to the City Council regarding the adoption of a Development Agreement
    - Recommendation to the City Council regarding approval of Tentative Map No. 38118
    - Recommendation to the City Council regarding the Annexation of the Specific Plan into the City of Banning
    - Recommendation to the City Council regarding General Plan Amendment No. 22-2502 for MSJC Site
    - Recommendation to the City Council regarding the adoption by Ordinance of Zoning Change No. 22-3502 for MSJC Site
- **City of Banning City Council**

- Water Supply Assessment Approval
- Certification of the Project EIR No. 2021020011
- Adoption of Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
- Adoption by Resolution of General Plan Amendment No. 20-2501
- Adoption by Ordinance of Zoning and Pre-Zoning; Specific Plan No. 20-20000002, Zoning Change 20-3502
- Approval by Ordinance of a Development Agreement
- Approval of Vesting Tentative Parcel Map No. 38118
- Approval of Resolution of Annexation of Southern Portion of the Development Site into the City of Banning
- Adoption by Resolution of General Plan Amendment No. 22-2502 for MSJC Site
- Adoption by Ordinance of Zoning Change No. 22-3502 for MSJC Site

Subsequent discretionary actions may include, but not be limited to: Final Maps, Conditional Use Permits, Design Reviews, Subdivision Maps, Grading Permits, Variances, water and sewer system approvals, and encroachment permits and adoption of a Determination of Biologically Equivalent or Superior Preservation (DBESP).

CEQA Guidelines Section 15124(d)(1) further requires the City, to the extent the information is known, to include a list of the agencies that are expected to use the EIR in their decision-making processes, a list of permits and other approvals required to implement the project, and a list of related environmental review/consultation requirements established by federal, State, or local law, regulation, and/or policy. Based on the Project as proposed, the following agencies may require the permits referenced below, However, the EIR can be used by any trustee agency or responsible agency (as such terms are defined by CEQA), whether identified in the EIR or not, as part of their decision-making processes in relation to the proposed Project.

- Riverside Local Agency Formation Commission (Responsible Agency). Annexation of the Southern Portion of the Development Site from unincorporated Riverside County into the City.
- Regional Water Quality Control Board (Clean Water Act, Section 401)
- California Department of Fish and Wildlife (Streambed Alteration Agreement, Section 1602)
- U.S. Fish and Wildlife Service (404 Permit)
- U.S. Army Corps of Engineers (Clean Water Act, Section 404)
- South Coast Air Quality Management District (Authority to Construct)

- Western Riverside County Regional Conservation Authority (action)
- Riverside County Flood Control and Water Conservation District (action)

1.3.3 Project Objectives

The following objectives of the Project are based on the City's Vision Statement and Goals from various General Plan elements:

- Establish a functional and balanced pattern of land use that maximizes economic opportunity and provides needed public improvements for City residents.
- Establish land uses for properties in the City's sphere of influence that will create positive fiscal impact to the City and provide sufficient fiscal benefit to permit annexation of the property upon which the project is proposed into the City.
- Promote job creating uses that reduce the need for City residents to commute outside of the City for employment, thereby improving the City's jobs to housing ratio.
- Locate industrial and commercial uses that rely on transportation efficiency in areas with convenient access to the local and regional transportation network, thereby minimizing truck traffic on local streets and reducing vehicle miles traveled in the region to the extent feasible.
- Address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities.
- Provide commercial development that allows for a diversified economy, complements existing uses, provides a range of employment opportunities, and promotes a safe and enjoyable shopping experience for residents and visitors.
- Use comprehensive planning tools to create a master-planned development that will be marketable to users, establish an aesthetically pleasing environment, and minimize impacts to adjoining uses.
- Increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities.
- Assist in managing supply and demand for electric services to maintain and increase the existing renewables portfolio standard while minimizing costs to rate payers.
- Assist the City in developing roadway and utility infrastructure to support the anticipated growth requirements of the City and to improve accessibility in areas of the City and the City's sphere of influence that currently have limited infrastructure to serve the needs of local residents and businesses.

- Conserve natural drainage features and open space to provide a balance between the built and natural environment.

- Minimize the demand for water resources and other public services by creating drought tolerant landscaping and encouraging use of recycled water.

1.4 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

1.4.1 Notice of Preparation

The Notice of Preparation (NOP) was distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impact(s) on the environment. The State of California Clearinghouse issued a project number for the project, SCH No. 2021020011. The 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts addressed in Chapter 4.0 of the Draft EIR.

1.4.2 Public Scoping Meeting

Due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021 at 5:30 p.m. via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021 providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting.

1.4.3 Native American Scoping

The Development Project includes a General Plan Amendment and implementation of a Specific Plan for the Development Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) is required. On November 30, 2020 the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Development Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project.

The City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC Site Entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC Entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City.

1.4.4 Draft Environmental Impact Report

A Notice of Availability (NOA) of the Draft EIR was provided to, responsible and trustee agencies, as well as the organizations, and person who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024 and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023 to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR.

The Draft EIR, supporting technical appendices, and associated public notices were uploaded to the State Clearinghouse on December 14, 2023. The State Clearinghouse confirmed receipt and published the Draft EIR for a public review period extending from December 15, 2023 to January 30, 2023.

1.4.5 Final Environmental Impact Report

A Final EIR was released to the public in July, 2024 and responses to comments transmitted to commenters in accordance with the requirements of CEQA.

1.5 GENERAL CEQA FINDINGS

1.5.1 Mitigation Monitoring and Reporting Program

To the extent that these Findings conclude that the proposed mitigation measures outlined in herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the proposed project. The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed Project. In accordance with the Requirements of Public Resources Code § 21081.6, the City must adopt the Mitigation Monitoring Program, which is described in full in Section IV of the Draft EIR and is incorporated herein by this reference. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

1.5.2 Recirculation Not Required

The City finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA requires that the lead agency recirculate an EIR when significant new information is added to the EIR after public notice of its availability has previously been given but prior to its certification. The purpose of a Final EIR is to document changes to the Draft EIR following receipt of comments and to respond to comments to the Draft EIR. Responses in the Final EIR to comments submitted to the City on the Draft EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR. Furthermore, the Responses to Comments include substantial evidence that

none of the comments submitted to the City provided substantial evidence that the Development Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

Accordingly, modifications to the Draft EIR to include modeling and updated emissions totals requested by commenters that show a minimal increase, do not change significance determinations, merely clarify or amplify or make insignificant modifications in an adequate EIR under CEQA Guidelines Section 15088.5(b), and do not meet the criteria of "new information" warranting recirculation of the Draft EIR. In addition, the addition of project design features and modified or new mitigation measures to the Final EIR to address comments to the Draft EIR expand the scope of mitigation in the Draft EIR and clarify, amplify, or make other modifications in an otherwise adequate EIR and these modifications do not result in adverse environmental impacts or identify mitigations measures the applicant declines to adopt; therefore, the modifications do not constitute new information requiring recirculation. See CEQA Guidelines §15088.5(b). Similarly, inclusion of inadvertently omitted files from technical report appendices where that information is summarized in the Draft EIR and/or attached technical reports is not new information under CEQA Guidelines Section 15088.5(a). See, e.g., High Sierra Rural Alliance v. County of Plumas (2018) (addition of maps to general plan EIR provided clarifying information and did not require recirculation); Beverly Hills Unified Sch. Dist. V. Los Angeles Metro. Transp. Auth. (2015) 241 Cal.App.4th 627, 663 (new fault and tunneling studies confirmed conclusion in Draft EIR); Mt. Shasta Bioregional Ecology Ctr. V. County of Siskiyou (2012) 210 Cal.App.4th 184, 221 (addition to Final EIR of reports that had been summarized in Draft EIR was not significant new information).

As described in the Sunset Crossroads Project--Supplemental CEQA Memorandum prepared by Urban Crossroads, Inc. dated September 3, 2025 (Supplemental CEQA Memorandum), modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in similar or a decrease in impacts related to air quality, greenhouse gas emissions, noise and transportation as compared with the impacts identified in the DEIR and FEIR. The modifications are authorized by the terms of the Specific Plan, there is no significant new information and the modifications do not meet any of the criteria set forth in Section 15088.5(a) of the State CEQA Guidelines. Therefore, recirculation is not required.

City staff, the Planning Commission, and the City Council have thoroughly reviewed the public comments received regarding the Project and the Draft EIR to determine whether any of the public comments or responses to comments or modifications to the Development Project requested by the City as described in the Supplemental CEQA Memorandum provide substantial evidence that would require recirculation of the EIR prior to its adoption. The City finds that recirculation of the Draft EIR is not required.

1.5.3 Consideration of Record; Independent Judgment

In approving the Project, the City decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings. The Applicant's consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies. All such materials and all other materials related to the EIR were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives. As such, the Draft EIR, Final EIR, technical studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

1.6 RECORD OF PROCEEDINGS

The Record of Proceedings for the Project consists of those items listed in CEQA Section 21167.6(e), along with other items contained within the City's files that are relevant to the consideration of the Project. The Record of Proceedings for the City's decision on the Project consists of the following documents, at a minimum and without limitation, which are herein incorporated by reference and made part of the record supporting these Findings:

- The Notice of Preparation, Notice of Completion and Availability, and all other public notices issued by the City in conjunction with the Project;
- The EIR comprised of
    - The Draft EIR for the Project and all technical appendices and documents cited, relied upon or incorporated by reference;
    - The Final EIR, including all written comments submitted by agencies, organizations, and/or members of the public during the public review comment period on the Notice of Preparation and the Draft EIR and the City's responses to those comments and corrections and additions to the Draft EIR and modifications and supplements to the technical appendices attached thereto.
    - A Memorandum entitled: "Sunset Crossroads Project – Supplemental CEQA Memorandum" (Supplemental CEQA Memorandum) prepared by Urban Crossroads, Inc. dated September 3, 2025 analyzing changes requested by the City following a public informational meeting held jointly on May 28, 2025 before the City Council and the City Planning Commission; and
    - The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All documents submitted to the City by public agencies, organizations or members of the public in connection with the Draft EIR, up through the close of the public review period for the project on January 30, 2024;

- All minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- All documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- All information (including written evidence and testimony) presented to the City staff, City Planning Commission, and/or City Council by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the City Council;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the proposed Project and the EIR;
- All final applications, letters, testimony and presentations presented by the Project Applicant and its consultants to the City in connection with the Project;
- All findings and resolutions adopted by the City regarding the Project, all documents, cited or referred to therein and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings, in addition to those cited above; and any other materials required by or comprising the record of proceedings pursuant to CEQA Section 21167.6(e).

1.7 CUSTODIAN AND LOCATION OF RECORDS

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Banning, Community Development Department, 99 East Ramsey Street Banning, California 92220]. The custodian for these records is Emery Papp. This information is provided in compliance with Public Resources Code Section 21081.6.

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2.0 ENVIRONMENTAL IMPACTS AND FINDINGS

The EIR was prepared by LSA, an independent, professional consulting firm. The professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by City staff, the thorough and independent peer review by City staff of the Draft EIR and Final EIR, including comments and responses, and the review and careful consideration of the EIR by the City, including comments and responses. All conclusively show that the EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency.

Based on the NOP (Appendix A-1 to the Draft EIR) and the comments to the NOP (Appendix A-2 to the Draft EIR), the EIR analyzed 20 potential areas where significant environmental impacts could result from implementation of the Project. These environmental topics were analyzed in the EIR at a project level for the Development Project pursuant to CEQA Guidelines Section 15161, and at a programmatic level for the MSJC Entitlements pursuant to CEQA Guidelines Section 15168 and include aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Having received, reviewed, and considered the information in the EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with CEQA, Public Resources Code Sections 21081, 21081.5, and 21081.6. These findings are based upon written and oral evidence included in the record of these proceedings, comments on the EIR and the written responses thereto, the Final EIR, and reports presented to the Planning Commission and the City Council by City staff and the City's environmental consultants.

At a public hearing(s) conducted for the Project, the City determined that, based on all of the evidence presented, including, but not limited to, the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations, and regulatory agencies, the following environmental impacts associated with the Project are 1) less-than-significant and do not require mitigation; 2) potentially significant but will be avoided or reduced to a level of insignificance, through the identified mitigation measures or; 3) significant and unavoidable and cannot be fully mitigated to a level of less-than-significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

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3.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS HAVING NO IMPACT OR LESS THAN SIGNIFICANT IMPACT AND NOT REQUIRING MITIGATION

The City hereby finds that the following potential environmental impacts associated with the implementation of the Project have no impact or are less-than-significant and therefore do not require the imposition of mitigation measures.

3.1 AESTHETICS

Project impacts for CEQA Aesthetics would not result in significant impacts and findings are discussed below. The Development Project will comply with Project Design Features and Development Standards set forth in Chapter 3 and the Design Guidelines set forth in Chapter 4 of the Specific Plan. Compliance with the Specific Plan's requirements would serve to reduce and/or avoid impacts relating to Aesthetics.

3.1.1 Threshold 4.1.1

Impact Statement: The Development Project would not have a substantial adverse effect on a scenic vista.

Findings

Potential impacts of the Development Project related to Threshold 4.1-1 are discussed in detail in Section 4.1.5.1 of the EIR. The City finds that the impact of the Project will be less than significant related to Threshold 4.1-1; therefore, no mitigation is required.

Substantial Evidence

The City has not designated any portion of the Development Site as a scenic resource. Accordingly, the Development Project will not physically alter a designated scenic resource.

With respect to the ability of the Development Project to block a scenic vista, the Development Site and the City of Banning are located in a valley situated approximately 41 miles south of the San Bernardino Mountains and approximately 25 miles northwest of Mount San Jacinto Peak. Both mountain ranges, along with their foothills rising from the valley floor constitute the most prominent scenic vistas in the vicinity of the Development Site and City of Banning. The Little San Bernardino Mountains are also visible to the east of the Development Site and City. San Gorgonio Mountain in the San Bernardino Mountains, the highest peak in southern California (11,503 feet), is approximately 13 miles north of the Development Site and is visible from nearly the entire Development Site. San Jacinto Peak in the San Jacinto Mountains (10,834 feet) is approximately 15 miles southeast of the Development Site. The western foothills of the San Jacinto mountains begin approximately 1.5 miles south of the southern portion of the Development Site (SOI).

Although the Development Project would obstruct some views of the San Jacinto Mountain Range, the San Bernardino Mountain Range, and the western foothills of both of these mountain ranges from

some public vantage points, the City has not designated these topographical features as scenic vistas and as such, no significant impact would occur to scenic resources.

The Development Project would also include the placement of a maximum 80-foot tall, 30-foot-wide, freeway-oriented freestanding sign, on the north side of the Development Site. The freeway-oriented freestanding sign has the potential to partially block motorist's views of the San Jacinto Mountains and its western foothills, and of the San Bernardino foothills; however, the design, location and size of the sign would make this a minimal temporary obstruction as motorists drive past the Development Site on westbound and eastbound I-10. Overall, implementation of the freeway-oriented freestanding sign as part of the Development Project would not adversely affect views of scenic vistas, and impacts would be less than significant. (EIR, Section 4.1.5.1).

3.1.2 Threshold 4.1.2

Impact Statement: The Development Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Findings

Potential impacts of the Project related to Threshold 4.1-2 are discussed in detail in Section 4.1.5.2 of the EIR. This City finds that the impact of the Project will have no impact related to Threshold 4.1-2; therefore, no mitigation is required.

Substantial Evidence

The Caltrans Scenic Highway Program identifies SR-243 (approximately 2 miles east of the Development Project) between I-10 and State Route 74 as both an Eligible and Officially Designated State Scenic Highway. Due to intervening topography, distance, existing buildings, and vegetation (i.e., trees), neither the proposed Development Project nor areas on the Development Site for the future development of an electrical substation (PA 7) or reverse osmosis facility (PA 12) are visible from SR-243. The areas where the Development Project and these facilities would be located are not within, adjacent, or near a State-designated scenic highway.

There are no City or County designated Scenic Corridors that cross or are near or adjacent to the Development Site and no scenic resources such as trees, rock outcroppings or historic buildings on or in the vicinity of the Development Site. As such, implementation of the Development Project and any future development within the Development Site would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway, and no impact would occur. (EIR, Section 4.1.5.2).

3.1.3 Threshold 4.1.3

Impact Statement: The Development Project would not, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

Findings

Potential impacts of the Project related to Threshold 4.1-3 are discussed in detail in Section 4.1.5.3 of the EIR. According to the U.S. Census Bureau, the City of Banning is located within the Riverside-San Bernardino, CA Urbanized Area. As such, the threshold applicable to the Project is to determine if the Project is in conflict with the General Plan and zoning regulations governing scenic quality. The City finds that the impact of the Project will be less than significant related to Threshold 4.1-3; therefore, no mitigation is required.

Substantial Evidence

Because of annexation, the entirety of the project area will be located within the City, and therefore will also be entirely classified to be located within an urbanized area. Existing land use designations on the Development Site under the City General Plan include residential, open space and general commercial. Existing zoning classifications on the Development Site within the City include residential, open space and general commercial, although zoning designations would be replaced by the proposed Specific Plan. The Southern Portion of the Development Site lies within the County General Plan and is designated as rural residential. However, this area is within the City's sphere of influence, and would be annexed into the City with implementation of the Specific Plan. Implementation of the Development Project would require a General Plan Amendment, adoption of the Specific Plan and annexation of the Southern Portion of the Development Site into the City to implement the Specific Plan that would change existing land use and zoning to general commercial, industrial, open space-parks, and open space-resource.

The visual character and quality of the Development Site and surrounding area would be preserved and enhanced through the application of and compliance with the architectural and landscape design guidelines of the Development Project and its Specific Plan. The architectural and landscape design guidelines guide the quality and aesthetic value of future commercial and industrial buildings as a result of implementation of the Development Project.

Although the Project would convert undeveloped land to industrial and commercial development while maintaining open space, it would not substantially degrade the existing visual character or quality of public views of the Development Site and its surroundings because the Project's proposed structures, would not block views of the nearby mountains and foothills due to their distance from the Development Site and the height and orientation of the Project's proposed structures, which would r not block views to the San Gorgonio Mountains, San Bernardino Mountains, and San Jacinto Mountains. The Development Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The City's General Plan goals and policies pertaining to aesthetics are intended to ensure that development in the City will not result in substantial degradation to the existing visual character or quality of the Development Site and its surroundings. The Development Project would be consistent with City regulations governing scenic quality, including those outlined in the City of Banning General Plan Land Use Element, in and the City's Municipal Code. Therefore, Project impacts would be less than significant. (EIR, Section 4.1.5.3).

3.1.4 Threshold 4.1.4

Impact Statement: The Development Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings

Potential impacts of the Project related to Threshold 4.1-4 are discussed in detail in Section 4.1.5.4 of the EIR. The City finds that the impact of the Project will be less than significant related to Threshold 4.1-4; therefore, no mitigation is required.

Substantial Evidence

Constructing and operating the Development Project would introduce new sources of light to an area that is not generating glare or day or nighttime illumination. Most construction activities on the Development Site will occur during the hours of 7:00 a.m. to 6:00 p.m. per City Zoning Code guidelines. Any construction-related illumination during evening and nighttime hours would consist of the minimum lighting required for safety and security purposes only and would occur only for the duration required for the temporary construction process. As a result, light resulting from construction activities would not substantially impact sensitive uses, substantially alter the character of off-site areas surrounding the Site nor interfere with the performance of an off-site activity.

The Specific Plan as revised in Section 3.1 at page 3-4, and Section 4.4.10 at page 4-15 requires as project design features specific development standards and guidelines that ensure that there will be no significant impact from light or glare from the Development Project, including on nearby properties. The standards and guidelines regarding lighting in the Specific Plan serve as City zoning requirements for the Development Project and ensure that impacts from lighting and glare are less than significant.

The Specific Plan's Outdoor Lighting Guidelines (refer to Section 4.3.9 of Appendix B, Specific Plan) indicate that the Development Site would minimize glare and "spill over" light onto public streets, open space, Interstate-10 and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other means of illumination for structures, parking, loading, unloading, and similar areas. Low-level security lighting may be provided for the park, tot lot playground, trails, parking lot, and restrooms. The trails and parking lot may include bollard lighting while the tot lot playground and restrooms may include security lighting. With implementation of the Specific Plan, night lighting will be directed away from the conserved areas to protect species within the conserved areas from direct night lighting and shielding will be required to ensure that ambient lighting in the conserved areas is not increased. See Draft EIR Section 4.4, Biological Resources.

Overall, implementation of the Development Project would not create a new source of substantial light and glare that would adversely affect day or nighttime views in the area. Therefore, Project impacts associated with construction and operation of the Development Project would be less than significant. (EIR Section 4.1.5.4).

3.2 AGRICULTURE AND FORESTRY RESOURCES

Project impacts for CEQA Agricultural and Forestry Resources do not result in significant impacts and findings are discussed below.

3.2.1 Threshold 4.2.1

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Project related to Threshold 4.2-1 are discussed in detail in Section 4.2.6.1 of the EIR. The Development 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 City finds that the development of the Project will result in no impacts related to Threshold 4.2-1; therefore, no mitigation is required.

Substantial Evidence

The DOC FMMP was reviewed to determine if the Development Site is designated as Important Farmland which is defined in Public Resources Code Sections 21095 and 21060.1(a) for purposes of CEQA as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The FMMP indicates the Development Site is designated with 451.9 acres of Farmland of Local Importance, 76.83 acres of Grazing Land, and 3.97 acres of Other Land. Development Project implementation would convert the Farmland of Local Importance and Grazing Land to urbanized land. No Prime Farmland, Farmland of Statewide Importance, or Unique Farmland are classified on the Development Site; therefore, Development Project implementation would not convert Important Farmland to non-agricultural uses. (EIR Section 4.2.6.1). Therefore, there are no Project impacts.

3.2.2 Threshold 4.2.2

Impact Statement: The Development Project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

Findings

Potential impacts of the Project related to Threshold 4.2.2 are discussed in detail in Section 4.2.6.2 of the EIR. The City finds that the impact of the Project will be less than significant related to Threshold 4.2.2; therefore, no mitigation is required.

Substantial Evidence

The Northern Portion of the Development Site is not within an agricultural zone. The Southern Portion of the Development Site, although designated for light agricultural uses under the County's zoning, is already designated as urbanizing through its placement within the City of Banning Sphere of Influence and is proposed for annexation. Its current City prezoning and the proposed Specific Plan are for urban

uses. Once the Development Project is approved and annexation occurs, the Southern Portion of the Development Site would be redesignated as Specific Plan and would therefore no longer be zoned as Light Agriculture pursuant to the Riverside County Zoning Ordinance. It should be noted that the Southern Portion of the Development Site, although currently zoned as Light Agriculture, is currently not and has not previously been occupied by agricultural uses. Overall, Development Project implementation would not conflict with existing zoning for agricultural use.

Review of the parcels within the Development Site concluded that none were under Williamson Act Contracts. Additionally, the status of past Williamson Act Contracts placed on parcels within the Development Site was confirmed with Riverside County Planning Staff, and these contracts have been terminated; therefore, implementation of the Development Project would not result in conflict with land under a Williamson Act Contract. (EIR Section 4.2.6.2). Therefore, Project impacts would be less than significant.

3.2.3 Threshold 4.2.3

Impact Statement: The Development Project would not 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)).

Findings

Potential impacts of the Project related to Threshold 4.2-3 are discussed in detail in Section 4.2.6.3 of the EIR. The Development Project will not impact forest lands or timberlands. The City finds that the development of the Project will result in no impacts related to Threshold 4.2-3; therefore, no mitigation is required.

Substantial Evidence

There is no forest land on the Development Site, and it is not zoned for forest land, timberland, or timberland zoned Timberland Production under either the County or City zoning designations. As such, Development Project implementation and the construction of public facilities would not conflict with such forest zoning designations, and there is no impact. (EIR Section 4.2.6.3).

3.2.4 Threshold 4.2.4

Impact Statement: The Development Project would not result in the loss of forest land or conversion of forest land to non-forest use.

Findings

Potential impacts of the Project related to Threshold 4.2.4 are discussed in detail in Section 4.2.6.4 of the EIR. The Development Site is does not qualify as forest land. Accordingly, Development Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use, and the Project will not impact forest lands or timberlands. The City finds that the development of the Project will result in no impacts related to Threshold 4.2.4; therefore, no mitigation is required.

Substantial Evidence

The Development Site is currently occupied by native grasslands and some native trees. The number of trees currently located on the Development Site does not equate to 10 percent of the site and, therefore, it does not qualify as forest land pursuant to the *California's Forests and Rangelands, 2017 Assessment,* and California Public Resources Code Section 12220(g). As such, Development Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use. (EIR Section 4.2.6.4).

3.2.5 Threshold 4.2.5

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Project related to Threshold 4.2-5 are discussed in detail in Section 4.2.6.5 of the EIR. The Development Site does not contain Farmland as defined under CEQA or forest land as defined by applicable statutes. Therefore, the Development Project will not convert Farmland to nob-agricultural use or convert forest land to non-forest use. The City finds that the impact of the Project will be less than significant related to Threshold 4.2.5; therefore, no mitigation is required.

Substantial Evidence

As disclosed above in the response to Threshold 4.2.1, the Development Site does not contain Prime Farmland, Unique Farmland or Farmland of Statewide Importance and has not been used for agriculture since the early 1900s. The Development Project would not result in the conversion of Farmland to non-agricultural use.

Accordingly, while the Development Project will convert land designated as Farmland of Local Importance to a non-agricultural use, the Development Site has not supported agricultural uses, apart from occasional livestock grazing, since the early 1900s. Although the Southern Portion of the Development Site is zoned A-1, Light Agriculture, there is currently no agricultural activity on the Southern Portion of the Development Site or on any adjacent or nearby property except for occasional cattle grazing. This temporary agricultural use contributes very little to the regional agricultural economy, and the implementation of the Development Project would not directly or indirectly catalyze the conversion of additional farmland to urban land uses. As noted above no active Williamson Act Contracts are in effect on the Development Sites; therefore, no impacts to Williamson Act Contract parcels would occur. Furthermore, as an action associated with the Development Project, the Southern Portion of the Development Site will be annexed into the City and will be redesignated as Specific Plan pursuant to the City's Zoning Code. There are no forest or timberland resources on, or in the vicinity of, the Development Site. Therefore, Development Project implementation would not contribute or catalyze the conversion of forest land to non-forest use.

Overall, the Development Project would not result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use at off-site locations. (EIR Section 4.2.6.5).

3.3 AIR QUALITY

Project impacts for CEQA Air Quality Thresholds 4.3.3 and 4.3.4 do not result in significant impacts and findings are discussed below

3.3.1 Threshold 4.3.3

Impact Statement: The Development Project would not expose sensitive receptors to substantial pollutant concentrations.

Findings

Potential impacts to Threshold 4.3.3 are discussed in detail in Section 4.3.6.3 of the EIR including text revisions in the Final EIR. The project would be required to comply with SCAQMD regulations regarding exposing sensitive receptors to substantial pollutant concentrations. The City finds that Development Project will result in less than significant impacts related to Threshold 4.3.3; therefore, no mitigation is required.

Substantial Evidence

Construction Localized Significance Threshold (LST). Sensitive receptors near the Project site include Mount San Jacinto College campus, across Sunset Avenue and approximately 115 from the Project site. Although the campus is not the closest receptor, concentrations produced during construction are highest at this location due to meteorological conditions of the area. Construction criteria pollutant concentrations during construction of the Development Project would not exceed the localized thresholds and would not result in a locally significant air quality impact.

Operation LST. None of the criteria pollutant concentrations would exceed the LST thresholds at the nearest sensitive land uses; therefore, the proposed operational activity would not result in a localized significant air quality impact.

Operational Health Risk Assessment. Exposure to toxic air contaminants from vehicle exhaust can result in both immediate and long-term health effects. Exposure to diesel exhaust can lead to serious health conditions such as asthma and respiratory illnesses and can worsen existing heart and lung disease, especially in children and the elderly. As shown in Table 4.3.Q, which was revised in the Final EIR, the future health risk to nearby residents, students, and workers from Project-related emissions of TACs from the operation of the proposed Project would be below the SCAQMD's HRA thresholds. The results of the Revised Table 4.3.Q show the changes to the chronic and acute health risk levels based on the remodeled HRA. These results indicate that the additional emissions and project updates would not result in any new significant health risk impacts from those previously described in the Draft EIR. No significant health risk would occur from the operation of the Project, and no mitigation is necessary.

Long-Term Microscale (CO Hot Spot) Analysis. Existing carbon monoxide (CO) concentrations in the Project area are extremely low. Because ambient CO levels are below the standards throughout the South Coast Air Basin, this Project would only be considered to have a significant CO impact if Project emissions result in an exceedance of one or more of the 1-hour or 8-hour standards. As the ambient concentrations are very low compared to ambient air quality standards (AAQS) with the current motor

vehicle control programs, the exhaust emissions of CO will remain extremely low. Therefore, the Project can be implemented in the existing setting with no significant peak-hour intersection CO hotspot impacts.

Construction of the proposed Project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement measures to reduce or eliminate emissions by following South Coast Air Quality Management District (SCAQMD) rules for standard construction practices (see Draft EIR, Tables 4.3.O and 4.3.P). Regulatory compliance measures AQ-1, AQ-2, AQ-3, and AQ-4 are existing SCAQMD regulations that are applicable to the proposed Project and were considered in the analysis of potential impacts related to air quality. These requirements are considered to be mandatory regulatory compliance measures and are not mitigation measures. (EIR Section 4.3.6.3)

3.3.2 Threshold 4.3.4

Impact Statement: The Development Project would not create objectionable odors affecting a substantial number of people.

Findings

Potential impacts to Threshold 4.3.4 are discussed in detail in Section 4.3.6.4 of the EIR. The project would be required to comply with SCAQMD rules regulating odors. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.3.4; therefore, no mitigation is required.

Substantial Evidence

Heavy-duty equipment in the Project vicinity during construction would emit detectable odors. Other sources of odors from construction activities may include roadway construction (e.g., asphalt application), and the application of architectural coatings. While these odors may be noticeable by nearby sensitive receptors, they are typical during construction and would not necessarily be objectionable. These odors would dissipate quickly beyond 300 feet of their source and would be temporary in nature. Additionally, construction-produced odors would cease upon the completion of construction.

Objectionable odors typically may emanate from agricultural operations, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. While no such uses are planned for the Development Site, the Project does envision the development of commercial and industrial uses, including a variety of restaurants and a fueling station.

Compliance with SCAQMD Rule 402 regarding nuisances assures that odors from the proposed commercial and industrial uses would not be a significant source of odors. Rule 402 has two parts – whether air contaminants are emitted which cause injury, nuisance, or annoyance, or whether the odors endanger health/safety, or comfort, or cause injury/damage to business or property. The proposed uses are not anticipated to emit any odors that would result in either condition. City (of

Banning) and County (of Riverside) regulations require trash storage areas to be in an enclosed area to limit air circulation, and through adherence to City and County regulations, odors from the trash storage areas would be less than significant. Vapor recovery systems on gas nozzles (SCAQMD Rule 461) would minimize odors from the gas station, and cooking odors would be limited by complying with SCAQMD Rule 1138. Therefore, the Project would not result in objectionable odors that would affect a substantial number of people. As such, Project-related impacts associated with odors would be less than significant, and no mitigation measures are required. (EIR Section 4.3.6.4).

3.4 BIOLOGICAL RESOURCES

Project impacts for CEQA Biological Resources Thresholds 4.4.3 and 4.4.4 do not result in significant impacts and findings are discussed below.

3.4.1 Threshold 4.4.3

Impact Statement: The Development Project would not have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Findings

Potential impacts of the Development Project related to Threshold 4.4.3 are discussed in detail in Section 4.4.6.3 of the EIR. The City finds that the Development Project would have a less than significant impact, and implementation of mitigation measures MM BIO-1 through MM BIO-6, which are feasible and adopted, would ensure compliance with BMPs and MSHCP guidelines.

Substantial Evidence

No wetland habitat occurs within the Development Site or within the Biological Study Area (BSA). Multiple seasonal pooling sites, which are not federally protected wetlands, occur within the Development Site, and many of these seasonal pooling sites would be permanently affected by Development Project construction. While pooling sites provide potential habitat for fairy shrimp, during fairy shrimp surveys conducted on site and within the BSA no State or federally listed fairy shrimp species were observed. None of the on-site seasonal pooling features that are habitat for fairy shrimp were determined to be a vernal pool ecosystem. These features were barren or overrun by non-native plant species and occurred within compacted soil in road ruts and other human alterations.

Despite the determination of no significant impact noted, mitigation measures MM BIO-1 through MM BIO-6 were identified as applicable to this threshold to ensure compliance with BMPs and MSHCP guidelines to protect the three noted drainage features during construction and Project-related impacts would be less than significant. (EIR Section 4.4.6.3).

3.4.2 Threshold 4.4.4

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Development Project related to Threshold 4.4.4 are discussed in detail in Section 4.4.6.4 of the EIR. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.4.3, and, no mitigation is required.

Substantial Evidence

The Development Site is not within an area identified by the MSHCP as an important migratory or native resident wildlife corridor area. The MSHCP Consistency Analysis determined that the Development Site and adjacent vegetation is unsuitable habitat for State and federally listed riparian bird species such as the least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo. While habitat exists for migratory bird species to nest on site, active nests for these species, including grasshopper sparrow, are unlikely to occur on site because they migrate through this area but do not nest on site or within the BSA. Although burrowing owl occur on site and are a State listed special-status species, no substantial resident population has been observed on site and there is no evidence of the site being used as a migration corridor for this species. The planned conservation areas on the Development Site would conserve potential nesting habitat on site for this and other bird species, meeting the guidelines of the MSHCP.

Because the impacts would be less than significant, no mitigation is required. However, any active bird nest identified on site is protected under the federal Migratory Bird Treaty Act (MBTA), regardless of species status, and regulatory compliance with its provisions is required. If an active nest is identified during construction, the nest would not be disturbed until chicks fledge or the nest is no longer active. Construction and operation of the Development Project would not significantly impact wildlife movement or known nursery sites within or in the vicinity of the Development Site. (EIR Section 4.4.6.4).

3.5 CULTURAL RESOURCES

Project impacts for CEQA Cultural Resources Threshold 4.5.3 does not result in significant impacts and findings are discussed below.

3.5.1 Threshold 4.5.3

Impact Statement: The Development Project would not disturb any human remains, including those interred outside of dedicated cemeteries.

Findings

Potential impacts of the Development Project related to Threshold 4.5.3 are discussed in detail in Section 4.5.6.2 of the EIR. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.5.3, and, no mitigation is required.

Substantial Evidence

There are no known human remains at the Development Site, although the potential to unearth such remains during construction cannot be ruled out. In the event that human remains are identified during Development Project construction, these remains would be treated in accordance with Section

7050.5 of the California Health and Safety Code and PRC Section 5097.98, as well as appropriate measures identified in the EIR related to the inadvertent discovery of such remains. (EIR Section 4.5.6.2).

3.6 ENERGY

Project impacts for CEQA Energy do not result in significant impacts and findings are discussed below.

3.6.1 Threshold 4.6.1

Impact Statement: The Development Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.6.1, and no mitigation is required.

Findings

Potential impacts of the Development Project related to Threshold 4.6.1 are discussed in detail in Section 4.6.6.1 of the EIR. The City finds that the Development Project will result in less than significant impacts related to Threshold 4.6.1, and no mitigation is required.

Substantial Evidence

Construction would require energy for the manufacture and transportation of building materials, preparation of the site for grading activities, utility installation, paving, and building construction and architectural coating. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. However, energy usage on the Development Site during construction would be temporary.

Through the duration of construction, approximately 443,644 gallons of diesel fuel and approximately 3,652 gallons of gasoline during construction. Diesel and gasoline consumption (2023) in Riverside County totals approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel. Fuel consumption during construction of the Development Project would increase diesel and gasoline consumption in Riverside County by approximately 0.03 and less than 0.01 percent, respectively. At buildout, the Development Project would generate 20,496 average daily trips, including 17,166 passenger vehicle trips and 3,330 truck trips., which would consume approximately 1.423 million gallons of gasoline and 6.67 million gallons of diesel fuel annually. See Final EIR, section 4.6.6.1, REVISED Table 4.6.D.

At buildout with the implementation of the stated mitigation and PDFs, the Development Project would require 25,570,405 kilowatt-hours (kWh) (or 25.570 GWh) of electricity and 5,999,799 kBTUs (or 59,997 therms) of natural gas per year. Total electricity consumption in the Banning EU service area in 2022 was 151.5 GWh. The Development Project's electric demand represent approximately 16.9 percent of existing electricity consumption within the Banning Electric Utility (BEU) service area and 0.14 percent of current electrical demand in Riverside County. The BEU has included the energy usage by this Development Project as well as two other large commercial developments in its future planning. Total natural gas consumption in Riverside County in 2022 was 431.1 million therms.

Therefore, operation of the proposed Project would negligibly increase the annual natural gas consumption in Riverside County by 0.01 percent.

While implementation of the Development Project would increase the demand for electricity and natural gas at the Development Site and petroleum consumption in the region during operation, it entails conventional commercial and industrial uses utilizing up to date energy efficient/energy conserving designs and operational programs. The Development Project does not propose uses that are inherently energy intensive, and the energy demands in total would be comparable to other similar commercial and industrial uses.

The Development Project will increase energy usage; however, it will be used efficiently and therefore would not result in a significant impact. The Development Project would be required to adhere to, and would be consistent with, all federal, State, and local requirements for energy efficiency. CALGreen building energy efficiency standards establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting, which would reduce energy usage. As such, fuel, electrical and natural gas demand associated with Project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the CBC and CALGreen Code as part of Chapter 15.04 of the City Municipal Code, implementing Riverside County 2019 CAP points, and complying with the WAIRE program would ensure operation of the Development Project would demand only the energy required. The Development Project will increase electricity use; however, it will be used efficiently and therefore would not result in a significant impact. Construction and operation of the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts from wasteful, inefficient, or unnecessary energy consumption would be less than significant.

As shown in Final EIR REVISED Table 4.6.C, fuel use associated with the vehicle trips generated by the proposed Project is estimated at 1,423,796 gallons of gasoline and 6,376,570 gallons of diesel fuel per year. This analysis conservatively assumes that all vehicle trips generated as a result of Project operation would be new to Riverside County. Based on fuel consumption rates obtained from EMFAC2021, approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel were consumed from vehicle trips in Riverside County in 2023. Therefore, vehicle and truck trips associated with the proposed Project would increase the annual fuel use in Riverside County by approximately 0.155 percent for gasoline fuel usage and by approximately 1.9 percent for diesel fuel usage. Fuel consumption associated with vehicle trips generated by Project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the CBC and CALGreen Code as part of Chapter 15.04 of the City Municipal Code, implementing Riverside County 2019 CAP points, and complying with the WAIRE program would ensure operation of the Development Project would demand only the energy required. The Development Project will increase electricity use; however, it will be used efficiently and therefore would not result in a significant impact.

No mitigation is required; however, Regulatory Compliance Measure ENG-1, described below, is a regulatory requirement implemented as a routine action conditioned by the City to ensure impacts related to energy demand during construction remain less than significant. Through compliance with Title 13-Section 2449 of the CCR and the CALGreen Building Standards Code as a matter of regulatory policy (Regulatory Compliance Measure ENG-1), construction of the Development Project would demand only the energy required and would not result in wasteful, inefficient, or unnecessary energy consumption. (EIR Section 4.6.6.1).

RCM ENG-1: **Construction.** Compliance with Title 13-Section 2449 of the California Code of Regulations and the California Green Building Standards: Prior to issuance of grading and building permits, the City of Banning shall verify that the Development Project Applicant and his/her contractor(s) submit plans to the City indicating incorporation of Best Available Control Measures during construction of the Development Project. Best Available Control Measures include, but are not limited to, requirements that the Development Project Applicant ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; and register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor must recycle/reuse at least 65 percent of the construction material. This condition shall be implemented to the satisfaction of the City of Banning Development Services Director or designee, and/or Building Official, or designee.

Mitigation Measure MM AIR-1 is included in the Final EIR as follows:

MM AIR-1 The following multi-part mitigation measure shall be implemented during Project construction:

- Plans submitted for grading permit issuance and building permit issuance shall specify a designated area of the construction site where electric or non-diesel vehicles, equipment, and tools can be fueled or charged. The provision of temporary electric infrastructure for such purpose shall be approved by the utility provider, Banning Electric Utility (BEU). If BEU does not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet (as specified in this Mitigation Measure below), the establishment of a temporary electric charging area also will not be required. If the contractor(s) equipment fleet includes this equipment and BEU approval is secured, the temporary charging location shall be established upon issuance of grading permits and building permits.

- If electric or non-diesel off-road trucks and construction support equipment, including but not limited to hand tools, forklifts, aerial lifts, materials lifts, hoists,

pressure washers, plate compactors, and air compressors are available in the construction contractor's equipment fleet and can fulfill the construction requirements during the building, construction, paving, and architectural coating phases of Project construction, such equipment shall be used during on-site construction. This requirement shall be noted on plans submitted for building permit issuance.

- If electric or non-diesel off-road truck and construction support equipment are not available then the Project contractor shall ensure all 50 horsepower or more off-road diesel-powered construction equipment is powered with California Air Resources Board (CARB) certified Tier 4 Final engines or the equivalent.

- Construction contractors shall maintain records of all off-road diesel construction equipment associated with on-site construction to document that each off-road diesel construction equipment used meets required emission standards. Records shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City staff or their designee.

- During construction activities, the City shall conduct periodic inspections to verify compliance with construction-related mitigation measures pursuant to the Mitigation Monitoring and Reporting Program.

- During construction of the proposed Development Project, the Project contractor shall only use interior paints with low volatile organic compound (VOC) content with a maximum concentration of 30 grams per liter (g/L) for residential building architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a low VOC content with a maximum concentration of 30 g/L verified.

- The City of Banning shall verify these requirements have been incorporated into construction plans prior to issuance of any construction permits and during architectural coating activities.

Operations. Compliance with the federal Corporate Average Fuel Economy and Energy Independence and Security Act regulations: All vehicles operating in the Development Project will comply with these regulations as enforced by standard vehicle registration processes. Compliance with the Energy Policy Act, Senate Bill 1389, Energy: Planning and Forecasting, Title 24, California Building Code, and the California Green Building Standards Code: The City of Banning shall verify that the Development Project Applicant and all contractor(s) submit plans to the City indicating incorporation of energy-efficient measures in compliance with these acts.

3.6.2 Threshold 4.6.2

Impact Statement: The Development Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Findings

Potential impacts of the Development Project related to Threshold 4.6.2 are discussed in detail in Section 4.6.6.2 of the EIR. There is no aspect of the Development Project that would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The City finds that the development of the Development Project will result in less than significant impacts related to Threshold 4.6.2; therefore, no mitigation is required.

Substantial Evidence

The Development Project would be required to adhere to, and would be consistent with, all federal, State, and local requirements for energy efficiency, including the Title 24 standards, SCAG RTP/SCS goal of reduce commuting distance to jobs, thus helping reduce fuel use, and City General Plan policies General Plan policies that help reduce energy consumption. Title 24 building energy efficiency standards establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting, as well as CALGreen Code which would reduce energy usage. As such, fuel, electrical and natural gas demand associated with Project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. (EIR Section 4.6.6.2).

3.7 GEOLOGY AND SOILS

Project impacts for CEQA Geology and Soils d do not result in significant impacts and findings are discussed below.

3.7.1 Threshold 4.7.1(i)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault. (Refer to Division of Mines and Geology Special Publication 42.)

Findings

Potential impacts of the Development Project related to Threshold 4.7-1(i) are discussed in detail in Section 4.7.6.1 of the EIR. No known faults underlie the Development Site. The City finds that the development of the Development Project will result in no impacts to Threshold 4.7-1(i); therefore, no mitigation is required.

Substantial Evidence

No Alquist-Priolo earthquake fault zones are mapped on or adjacent to the Development Site which does not show evidence of active faulting. Therefore, the Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known Alquist-Priolo earthquake fault or based on other substantial evidence of known fault. (EIR Section 4.7.6.1).

3.7.2 Threshold 4.7.1 (ii)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking.

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(ii) are discussed in detail in Section 4.7.6.2 of the EIR. The Development 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 Development Project. This risk is not considered substantially different than that of other similar properties in the Southern California area. The City finds that the development of the Development Project will result in less than significant impacts related to Threshold 4.7.1(ii); therefore, no mitigation is required.

Substantial Evidence

While active faults are not known to exist on the Development Site, the Banning Fault located approximately 2.75 miles to the northeast along with the nearby San Andreas and San Jacinto fault zones can produce strong ground shaking in case of a fault rupture in this area. However, this is common for virtually all of Southern California, and structures are required to be designed in accordance with the CBC and other applicable Codes (per BMC Chapter 15.08) to withstand the ground shaking during the assumed design seismic event.

Development Project uses would be required to have a site-specific geotechnical investigation report prepared by the Applicant's geotechnical consultant, in accordance with Appendix J Section J104 (Engineered Grading Requirements) of the CBC (see Regulatory Compliance Measure [RCM] GEO-1 below); such investigation would determine seismic design parameters for the Development Project building types pursuant to CBC requirements. Compliance with the design parameters and recommendations of the geotechnical investigation report would be required as a condition of a grading permit and/or building permit. Thus, impacts resulting from strong ground shaking are anticipated to be less than significant. (EIR Section 4.7.6.2).

No mitigation measures are required; however, RCM GEO-1 identified below would be applicable and implemented by the Development Project.

RCM GEO-1 **Construction Code Compliance.** All structures shall be designed in accordance with the seismic parameters presented in the Geologic and Geotechnical Review prepared for this Development Project and applicable sections of the most current California Building Code (CBC) and other applicable Codes (per Chapter 15.08 of the Banning Municipal Code). Prior to the issuance of building permits for planned structures, the Soils Engineer and the City of Banning Chief Building Official, or designee, shall review building plans to verify that the structural design conforms to the requirements of the Geologic and Geotechnical Review and the applicable provisions of the aforementioned codes.

3.7.3 Threshold 4.7.1 (iii)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction.

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(iii) are discussed in detail in Section 4.7.6.3 of the EIR. The Development Site is considered to have a low risk of liquefaction due to the relatively dense nature of the underlying soils and deep groundwater. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.1(iii); therefore, no mitigation is required.

Substantial Evidence

The Development Site is considered to have a low risk of liquefaction due to the relatively dense nature of the underlying soils (Older Alluvium Fan deposit) and deep groundwater; groundwater is expected to be approximately 100 feet or more bgs. Seismic densification, however, is possible on granular (greater than 50 percent sand) fills, or native unconsolidated earth materials. The dynamic dry settlement is not considered a geologic hazard and expected to be less than 2 inches. Due to the proposed remedial grading and relatively homogenous subsurface soils between adjacent columns, the seismic differential settlement is expected to be less than 0.5 inch in a 40-foot horizontal distance within the Development Site. No groundwater was encountered during the Geotechnical Assessment within the borings that were drilled to a depth of 50 feet. Development Project uses that would be constructed are required to comply with the CBC and other applicable Codes (per BMC Chapter 15.08) as well as the recommendations in the geological and geotechnical assessment prepared for the Development Project. Therefore, implementation of the Development Project would not place people or structures at risk due to liquefaction, and impacts would be less than significant. (EIR Section 4.7.6.3).

3.7.4 Threshold 4.7.1 (iv)

Impact Statement: The Development Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides.

Findings

Potential impacts of the Development Project related to Threshold 4.7.1(iv) are discussed in detail in Section 4.7.6.4 of the EIR. The Development Site is not located in an area susceptible to landslides. The City finds that the development of the Development Project will result in less than significant impacts related to Threshold 4.7.1(iv); therefore, no mitigation is required.

Substantial Evidence

The Development Site and vicinity are relatively flat, and the Development Site is not located within a zone of earthquake-induced landslide as mapped by the State, City, or County. Soils along and adjacent to some drainage courses have been eroded by water, with concentrated runoff creating

incised erosion along the banks of Pershing Creek. However, these areas are restricted to the immediate creek areas which are proposed to be conserved and will not be developed.

As established by RCM GEO-1, construction contractors would be required to adhere to recommendations of the geologic and geotechnical review, the CBC, and other applicable Codes (per BMC Chapter 15.08) for temporary slopes and for shoring or shielding for temporary excavations over 5 feet deep, as required by the City of Banning. Therefore, implementation of the Development Project would result in less than significant impacts related to landslide hazards. (EIR Section 4.7.6.4).

3.7.5 Threshold 4.7.2

Impact Statement: The Development Project would not result in substantial soil erosion or the loss of topsoil.

Findings

Potential impacts of the Development Project related to Threshold 4.7.2 are discussed in detail in Section 4.7.6.5 of the EIR. The Development Project would be required to implement Plans, Policies, or Programs (PPP) to manage soil erosion. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.2; therefore, no mitigation is required.

Substantial Evidence

Construction of the Development Project would involve excavation, grading, and construction activities that disturb soil and leave exposed soil on the ground surface. Cut and fill slopes created during Development Site construction would be provided with appropriate drainage features and landscaped with drought-tolerant, slope stabilizing vegetation as soon as possible after grading to reduce the potential for erosion. Berms would be provided at the top of fill slopes, and brow ditches would be constructed at the top of all cut slopes. V-ditches cut on the Development Site would be founded in dense fill or cut, but not in topsoil colluvium, and lot drainage would be directed such that runoff on slope faces is minimized. Inadvertent oversteepening of cut and fill slopes would be avoided during final grading and building construction. If seepage is encountered in slopes, special drainage features would be recommended by the geotechnical consultant to minimize soil erosion effects.

The conceptual grading design identifies approximately 2,266,112 cubic yards (CY) of cut and approximately 2,118,698 CY of fill. Cut exceeds fill due to settlement, shrinkage and/or compaction of fill material required in connection with the Development Project. No import or exporting of earthwork is expected, but earthwork may be transferred between the two grading phases. (Draft EIR Chapter 3.5.3.8.) Maximum daily disturbance would be approximately 10,000 CY and would have an average daily disturbance ranging from 7,500 to 9,500 CY. All grading would be subject to local and State codes and requirements for erosion control and grading during construction. As required by RCM GEO-2, all recommendations presented in the Final Geotechnical Assessment for the Development Project shall be implemented to the satisfaction of the City's Building and Safety Director or designee to ensure reduced effects to geology and soils on the Development Site during Development Project construction and operation.

Additionally, the Construction General Permit (CGP) issued by the State Water Resources Control Board (SWRCB) regulates construction activities to minimize water pollution, including sediment. The Development Project uses constructed would be subject to National Pollutant Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for each phase of the Development Project. The construction contractor would be required to prepare and implement an SWPPP and associated best management practices (BMPs) in compliance with the CGP during grading and construction as outlined in RCMs WQ-1, WQ-2, and WQ-3, detailed below. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from future Development Site-related grading and construction activities. Additionally, the future Development Site-related grading activities would be required to adhere to the provisions of the City's grading ordinances, requirements of the Geotechnical Study prepared for the Development Site, and CBC. Therefore, impacts from soil erosion or loss of topsoil would be less than significant. (EIR Section 4.7.6.5)

The following Regulatory Compliance Measures are existing regulations that are applicable to the Development Project and are considered in the analysis of potential impacts related to hydrology and water quality and are also applicable to potential impacts related to soils and geology. The City of Banning considers these requirements to be mandatory; therefore, they are not mitigation measures.

RCM GEO-2 Prior to the issuance of grading and/or building permits, the Applicant shall provide evidence to the City for review and approval that proposed structures, features, facilities, and earthworks to be constructed on the Development Site have been designed to conform to applicable provisions of the California Building Code and other applicable Codes (per BMC Chapter 15.08) in effect at the time of development application as well as the design recommendations detailed in the final geologic and geotechnical review.

Additionally, the Applicant shall provide evidence to the City that the recommendations cited in a project-specific final geologic and geotechnical review are incorporated into project plans and/or implemented as deemed appropriate by the City. The final geologic and geotechnical review recommendations may include, but are not limited to, removal of existing vegetation, utilities, and any other surface and subsurface improvements that would not remain in place for use with the structures constructed on the Development Site. Remedial earthwork, over-excavation, and ground improvement shall occur to depths specified in the final geologic and geotechnical review to provide a sufficient layer of engineered fill or densified soil beneath structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the Final Geotechnical Assessment to protect against lateral spreading and on-site landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building flood slabs based on the imposed slab loading. The

recommendations of the Final Geotechnical Assessment shall be implemented to the satisfaction of the City's Building and Safety Director or designee.

RCM WQ-1 **Construction General Permit.** Prior to commencement of construction activities, the Applicant shall obtain coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit),* NPDES No. CAS000002, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including permit application fees, a Notice of Intent (NOI), a risk assessment, a site plan, a Storm Water Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained for the Development Project from the SMARTS and provided to the Director of the City of Banning Public Works Department, or designee, to demonstrate that coverage under the Construction General Permit has been obtained. Development Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of an SWPPP and implementation of construction site Best Management Practices (BMPs) to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level identified for the Development Project. The SWPPP shall identify the sources of pollutants that may affect the quality of storm water and shall include BMPs (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs) to control the pollutants in storm water runoff. Upon completion of construction activities and stabilization of the Development Site, a Notice of Termination shall be submitted via SMARTS.

RCM WQ-2 In compliance with City of Banning Ordinance No. 1388 Grading, Erosion, and Sediment Control, the Development Project Applicant shall submit a grading plan and erosion control plan to the Director of the City of Banning Public Works Department, or designee, for review and approval prior to issuance of a grading permit for each individual development that would occur within the Specific Plan area. The Applicant shall also submit erosion and sediment control plans annually to the Director of the City of Banning Public Works Department, or designee, for review and approval.

RCM WQ-3 Prior to issuance of a grading permit, the Applicant shall submit a Final Water Quality Management Plan (WQMP) to the Director of the City of Banning Public Works Department or designee for review and approval. The Final WQMP shall specify: 1) the BMPs to be incorporated into the Development Project design to target pollutants of concern in runoff from the Development Site and from each proposed land use; 2) the target pollutant(s) to be captured from each building/land use and treated by each BMP; 3) the metric for ensuring the BMP is addressing the target pollutant(s) of

concern; 4) the necessary operation and maintenance activity for each BMP; and 5) the specific action to be taken if it is determined that the BMP is not meeting its intended goal(s). The Final WQMP shall also incorporate the results of the Final Hydrology and Hydraulic Analyses to demonstrate that the detention facilities meet the hydromodification requirements of the Whitewater River Watershed MS4 Permit. The Director of the City of Banning Public Works Department, or designee, shall ensure that the BMPs specified in the Final WQMP are incorporated into the final Development Project design.

3.7.6 Threshold 4.7.3

Impact Statement: The Development Project would not 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-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.

Findings

Potential impacts of the Development Project related to Threshold 4.7.3 are discussed in detail in Section 4.7.6.6 of the EIR. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.3; therefore, no mitigation is required.

Substantial Evidence

Because the Development Site is located in a relatively flat area, landslides or other forms of natural slope instability do not represent a significant hazard on or adjacent to the Development Site or to the Development Project. In addition, the Development Site is not within a State-designated hazard zone for an earthquake-induced landslide. Therefore, potential impacts related to landslides would be less than significant.

Given the relatively dense nature of the underlying soils and lack of groundwater, the Development Site possesses a very low potential for liquefaction. As indicated with respect to Threshold 4.7.1(iii), above, liquefaction potential at the site is considered low. The on-site potential for liquefaction, and therefore, lateral spreading, is very low. Thus, impacts from lateral spreading and liquefaction would be less than significant.

Subsidence is typically associated with oil, gas, or groundwater extraction. According to the Riverside County General Plan and as previously noted, the Development Site is located in an area that is susceptible to regional land subsidence. However, the City of Banning General Plan indicates that subsidence has not been observed within the City. There are no oil or gas fields within or near the Development Site. Consequently, regional land subsidence due to the extraction of oil or gas is not a hazard to the Development Project. Groundwater on site is monitored by the City of Banning Public Works Department via four on-site wells. The City-monitored wells (M7, M10, M11, and M12) recorded water depths of 375 to 475 feet bgs in September 2003. Any existing water wells should be removed or abandoned prior to grading, in accordance with the Riverside County Department of Health Services guidelines. With these wells removed or abandoned, subsidence from wells at the Development Project would not occur.

To address and avoid the potential for land subsidence, soils would be removed down to competent dense materials. Recommendations for soil removal would be planned in more detail by a certified geotechnical engineer or engineering geologist when grading plans for individual phases of the Development Project are prepared. Subsequent detailed geotechnical investigation will be required, and the Development Project will be required to comply with a site-specific geotechnical investigation report prepared by a geotechnical consultant, in accordance with Appendix J Section J104 (Engineered Grading Requirements) of the CBC. Implementation of recommendations required by RCM GEO-1 and compliance with existing regulations would ensure that a less than significant impact from collapsible soils would occur. (EIR Section 4.7.6.6).

3.7.7 Threshold 4.7.4

Impact Statement: The Development Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property.

Findings

Potential impacts of the Development Project related to Threshold 4.7.4 are discussed in detail in Section 4.7.6.7 of the EIR. The City finds that the development of the Development Project will result in less than significant impacts to Threshold 4.7.4; therefore, no mitigation is required.

Substantial Evidence

Expansive soils are soils that experience volumetric changes in response to increases or decreases in moisture content. Older alluvial fan deposits were encountered throughout the property and underlie the young alluvium at depth. As encountered in the exploratory excavations, these materials generally consist of medium dense to very dense, silty to clayey sands and poorly to well-graded sand with interbedded layers of sandy clay. Based on laboratory test results and review of the referenced reports, the predominate earth materials underlying the subject site are expected to possess a very low to low expansive soil (EI<51). Locally, higher expansive soils may be encountered in deeper excavations in the Older Alluvium. In the event that, following the completion of grading, it is determined that near-surface soils within building pad areas exhibit an elevated expansion potential, the potential impact of those expansive soils would be addressed through design of structural foundations and floor slabs in compliance with applicable requirements in the CBC, as adopted by the City of Banning in its Municipal Code (RCM GEO-1 and RCM GEO-2). Since the potential for expansive soils is low and any potential expansion would be addressed through compliance with applicable State and local Code requirements, the Development Project would not create substantial potential risks to life or property, and there would be a less than significant impact. (EIR Section 4.7.6.7).

3.7.8 Threshold 4.7.5

Impact Statement: The Development Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Findings

Potential impacts of the Development Project related to Threshold 4.7.5 are discussed in detail in Section 4.7.6.8 of the EIR. The City finds that the development of the Development Project will result in no impacts to Threshold 4.7.5 because the Development Project will not include the use of septic tanks or alternative wastewater disposal systems; therefore, no mitigation is required.

Substantial Evidence

The Development Project uses would not include the use of septic tanks or alternative wastewater disposal systems. The Development Project uses would be required to connect to City sanitary sewer and wastewater facilities. Therefore, the Development Project would have no impact with respect to septic tanks or alternative wastewater disposal systems. (EIR Section 4.7.6.8)

3.8 HAZARDS AND HAZARDOUS MATERIALS

Project impacts for CEQA Hazards and Hazardous Materials do not result in significant impacts and findings are discussed below.

3.8.1 Threshold 4.9.1

Impact Statement: The Development Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Findings

Potential impacts of the Development Project related to Threshold 4.9.1 are discussed in detail in Section 4.9.6.1 of the EIR. During Project construction and operation, mandatory compliance with federal, State, county and City regulations would ensure that the Development Project would not create a significant hazard to the environment due to routine transport, use, or disposal of hazardous materials. The Development Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.1; therefore, no mitigation is required.

Substantial Evidence

Development of the Development Project has the potential to transport, use, or dispose of hazardous materials during construction and operational activities. Construction of the Development Project would temporarily increase the regional transport, use, and disposal of construction-related hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used at construction sites, and the construction activities would be required to comply with applicable State and federal regulations for proper transport, use, storage, and disposal of excess hazardous materials and hazardous construction waste.

Commercial and industrial uses operated on the Development Site may include the use and disposal of hazardous waste along with limited use of pesticide and herbicides for landscape maintenance. Engines of vehicles and trucks accessing the uses on the Development Site would contain oil and

gasoline which could have the potential to result in minor releases of such substances through drips or leaks on site. However, development of the Development Project is not anticipated to generate or use major hazardous materials and would not create unusually high quantities of hazardous waste. If a future use would include a business that would handle or use significant quantities of hazardous materials, the City is required in accordance with its General Plan to process such use by the issuance of a City approved Conditional Use Permit (CUP). The CUP would ensure the business is conditioned to comply with all federal, State, and local regulations related to hazardous materials. If the future business does not comply with the CUP, the CUP can be revoked through a public hearing process.

Some of the proposed activities that could produce hazardous waste would include 20 vehicle fueling stations and six (6) commercial fueling stations with total capacity for four 20,000-gallon underground storage tanks, restaurants that would utilize refrigerated storage facilities, and commercial and industrial uses that may utilize TRUs that would transport perishable material to and from the Development Site during operation. The commercial and industrial operations may also utilize large-scale refrigeration on site for perishable materials.

The Riverside County Department of Environmental Health (DEH) would review the uses operating on the Development Site for hazardous material use, safe handling, and storage of materials. Prior to the issuance of grading permits, the DEH would apply conditions of approval to the Development Site to reduce hazardous material impacts and ensure that any hazardous waste generated at the Development Site would be safely stored and transported to an appropriate disposal facility by a licensed hauler in accordance with State and federal law. Therefore, due to the type and nature of the uses that would operate on the Development Site, and compliance with the conditions of approval identified below, their implementation would result in less than significant impacts related to the routine transport, use, or disposal of hazardous materials; no mitigation is required.

Additionally, the battery energy storage system (BESS), if proposed for development, would be required to comply with regulatory compliance measures. No off-site electricity transmission is anticipated from the BESS. The Conditions of Approval (COA) for the BESS would require that prior to the issuance of the first BESS-related building permit, the Applicant shall develop a reclamation plan, which shall be approved by the City's Community Development Department to be implemented upon the removal of the BESS facilities (the "approved Reclamation Plan"). Additional details are described in Section 4.9.6.1 of the EIR.

While the potential impact would be less than significant, the Regulatory Compliance Measures are existing mandatory regulations that are applicable to development of the Development Site and are considered in the analysis of potential impacts related to hazards and hazardous materials. They are described in detail in Section 4.9.6.1 of the EIR. The City of Banning considers these requirements to be mandatory; therefore, they are not mitigation measures. (EIR Section 4.9.6.1)

3.8.2 Threshold 4.9.2

Impact Statement: The Development Project would not create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Findings

Potential impacts of the Development Project related to Threshold 4.9.2 are discussed in detail in Section 4.9.6.2 of the EIR. The Development Project would not create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment with compliance with mandatory regulatory requirements. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.2; therefore, no mitigation is required.

Substantial Evidence

A petroleum pipeline is located along the north side of the Sun Lakes Boulevard alignment, marked by signs, flags, and spray paint. A gas pipeline crosses the Northern Portion of the Development Site, marked by signs and exposed where the pipeline crosses the drainages. An above ground storage tank (AST) was observed at the southwest corner of the intersection of Sunset and Westward Avenue. The tank was empty, no markings were visible, and holes were cut in the sides, allowing visual inspection of the interior. No staining or evidence of past releases was observed in the surrounding soils. No underground tanks, unusual or noxious odors, stained soil or pavement, stressed vegetation, leach fields or septic tanks, sumps or floor drains, pits or ponds of liquid, or evidence of fill sites or dumping were identified during the site reconnaissance. Overhead and underground utility lines are present along the Development Site perimeter boundaries. Compliance with Government Code Section 4216, which specifies standard pre-construction practices requiring appropriate care to define the location, alignment, depth, and operational status of pipelines, above- and below-ground utilities, and other features would ensure the integrity of existing facilities during construction and operation. The existing Union Pacific Railroad located north of the Development Site. While pipeline or rail operations may involve the transport of hazardous materials, it is speculative to anticipate if or to what extent hazardous materials may be released should a rail accident occur in the vicinity of the Development Project.

Implementation of the Development Project would involve use of hazardous materials and could result in accidental releases of hazardous material, as discussed in Section 4.9 of the Draft EIR. The Development Project envisions the operation of a travel center that will dispense fuel products. These activities pose a potentially significant hazard. Transport of these materials, refilling USTs, spilling fuel while refueling vehicles, and a variety of potential accidents could result in the accidental release of these materials into the environment. The California Health and Safety Code, Section 25280, requires USTs installed after 1988 to have leak detection systems consisting of at least one of the following features: secondary containment with interstitial monitoring, automatic tank gauging systems, vapor monitoring (including tracer compound analysis), groundwater monitoring, statistical inventory reconciliation, or similar feature meeting performance standards.

Commercial and warehouse uses built and operating on the Development Site may include the usage of hazardous materials. Commercial land uses utilizing hazardous materials would be required to prepare and submit a Hazardous Materials Business Plan (HMBP) to the DEH, as described in RCM HAZ-1. An HMBP includes an inventory of hazardous materials used and stored on site, a site map, an emergency plan, and a training program for employees. With implementation of the conditions of approval and regulatory compliance measures specified in Section 4.9.6.1, compliance with all applicable regulations specified in Section 4.9.4, and adherence to BMPs, potential impacts from the

transport, use, storage, and disposal of hazardous materials in operations of the Development Project would not cause significant hazards to the public or the environment through accidental releases of hazardous materials. (EIR Section 4.9.6.2).

3.8.3 Threshold 4.9.3

Impact Statement: The Development Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings

Potential impacts of the Development Project related to Threshold 4.9.3 are discussed in detail in Section 4.9.6.3 of the EIR. The City finds that the Development Project would not emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.3 with application of mandatory regulatory requirements; therefore, no mitigation is required.

Substantial Evidence

The Mt. San Jacinto Community College (MSJCC) San Gorgonio Pass Campus is located adjacent to the western edge of the Development Site, and Hemmering Elementary School is located approximately 0.9 mile northwest of the Development Site.

Emissions (including toxic air contaminants) will be generated from vehicles driven by employees, customers, and transport trucks delivering goods and materials to and from the Development Site. The potential impacts of emissions on sensitive receptors has been detailed in the Air Quality impact analysis (Section 4.3.6.3 of the Draft and Final EIR).

Any use utilizing hazardous materials within the Development Site would be required to comply with RCM HAZ-1 and submit an HMBP to the DEH and the Riverside County Fire Department. In addition, the Development Project would comply with RCM WQ-1, which provides preventative measures for accidental spills during construction. Construction and operation of uses on the Development Site within 0.25 mile of the MSJCC campus would not pose substantial hazards to persons on those campuses with implementation of the RCMs. The Hemmering Elementary School is .9 miles north of the campus and does not fall within the threshold, but, as with the MSJCC campus, also would not be subject to significant impacts from emission of hazardous emissions, or handling of hazardous or acutely hazardous materials, substances or waste. (EIR Section 4.9.6.3).

3.8.4 Threshold 4.9.4

Impact Statement: The Development Project would not be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5, and as a result, would not create a significant hazard to the public or the environment.

Findings

Potential impacts of the Development Project related to Threshold 4.9.4 are discussed in detail in Section 4.9.6.4 of the EIR. The City finds that the Development Site is not located on an identified hazardous material site and the development would not create a significant hazard to the public or environment; therefore, impacts would be less than significant and no mitigation is required.

Substantial Evidence

The government records database search, completed as part of the site-specific Phase I Environmental Site Assessment (ESA), determined that the Development Site is not included on any of the queried databases of hazardous materials sites that could create a significant hazard to the public or the environment. The Phase I ESA included an analysis of surrounding properties within a 1.0-mile radius of the Development Site. The Phase I ESA identified several listings for off-site adjacent or nearby properties on databases potentially indicative of a contamination concern. However, the Phase I ESA concluded that none of the environmental records are considered "recognized environmental conditions" for the Development Site. (EIR Section 4.9.6.4).

3.8.5 Threshold 4.9.5

Impact Statement: The Development Site is not within two miles of an airport and the Development Site is not identified as within an airport influence area.

Findings

Potential impacts of the Development Project related to Threshold 4.9.5 is discussed in detail in Section 4.9.6.5 of the EIR. The Riverside County Airport Land Use Commission (ALUC) has stated the Development Project is located outside the Airport Influence Area (AIA) established for Banning Municipal Airport. The Development Site is not located within an airport land use plan, is not located within two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area. The City finds that development of the Development Project will result in no impacts related to Threshold 4.9.5; therefore, no mitigation is required.

Substantial Evidence

The Development Site is located approximately 3.3 miles west of the Banning Municipal Airport. According to the Riverside County Airport Land Use Compatibility Plan (ALUCP), the Development Project is not within the noise contours or compatibility zones for the Banning Municipal Airport. The Riverside County Airport Land Use Commission (ALUC) has stated the Development Project is located outside the Airport Influence Area (AIA) established for Banning Municipal Airport. Due to its location outside the AIA established for Banning Municipal Airport, the Development Project would have no impact on an airport land use plan or result in a safety hazard for people residing or working in the Development Project area. (EIR Section 4.9.6.5).

3.8.6 Threshold 4.9.6

Impact Statement: The Development Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Findings

Potential impacts of the Development Project related to Threshold 4.9.6 are discussed in detail in Section 4.9.6.6 of the EIR. The City finds that the Development Project would not interfere with or inhibit implementation of the City's Emergency Operation Plan or Emergency Operations Center. The City finds that development of the Development Project will result in a less than significant impact related to Threshold 4.9.6; therefore, no mitigation is required.

Substantial Evidence

According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. The closest Fire Hazard Severity Zone to the Development Site is undeveloped land located approximately 0.5 mile southwest of the Development Site at the southern border of the Sun Lakes community. The land uses directly adjacent to the Development Site including residential uses to the west, east, and south, commercial and institutional uses to the east, the I-10 corridor to the north, and agricultural uses to the south are also designated as a non-VHFHSZ. Sunset Avenue is considered an important point of access to I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response activities. Implementation of the Development Project would not alter any facility or propose a physical change that would inhibit the City's Emergency Operations Plan. In addition, development of the Development Project would include widening of roadways adjacent to the Development Site and funding of additional roadway improvements, which could aid in evacuation. Site preparation, grading, and construction would not block roadways providing access to surrounding properties or surrounding neighborhoods. Therefore, implementation of the Development Project would not interfere with the adopted emergency response plan and/or the emergency evacuation plan; therefore, impacts would be less than significant. (EIR Section 4.9.6.6).

3.8.7 Threshold 4.9.7

Impact Statement: The Development Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, or injury or death involving wildland fires.

Findings

Potential impacts of the Development Project related to Threshold 4.9.7 are discussed in detail in Section 4.9.6.7 of the EIR. With adherence to regulatory standards and requirements, the Development Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.9.7; therefore, no mitigation is required.

Substantial Evidence

The Development Site is located in a WUI setting, but it is not located in an area statutorily designated as a Moderate, High, or Very High FHSZ by CAL FIRE or Riverside County; rather the Development Site is accurately designated as LRA Non-VHFHSZ. The Fire Protection Plan (FPP) did not find evidence that the Development Site has been burned in recorded history. Development of the Development Project

and its included fire mitigation strategies would further reduce the potential for wildland fire ignition at the Development Site. The FPP analyzed the likelihood that any fire starting on the Development Site would spread to adjacent areas and determined that the Development Site's managed landscapes ignition resistant building, parking areas, fuel modification zones, improved accessibility for fire personnel, and structures built to the latest ignition and ember resistant fire codes would make spread into wildland fuels unlikely. According to the FPP, the most common type of wildfire anticipated in the vicinity of the Development Project is a wind-driven fire from the northeast moving through the annual grasses and chaparral typical of the region. Compliance with the regulations of the most recently adopted Riverside County Fire Department Fire Code, California Fire Code (CFC), and California Building Code (CBC) to avoid the Development Project's potential to exacerbate wildfire risks. Regardless of the origin of a potential wildfire, compliance with regulatory measures would ensure the ignition resistance of the structures. Fuel modification requirements and ongoing maintenance of the site landscaped areas are required to be implemented with the result that projected flame lengths would be reduced to levels that would be manageable by firefighting resources for protecting on-site structures. (EIR Section 4.9.6.7). In addition, RCM at pages 4.9-20-21 provides additional, specific provisions that implement regulatory requirements and further ensure that impacts are less than significant, and no mitigation is required.

3.9 HYDROLOGY AND WATER QUALITY

The Project impacts for CEQA Hydrology and Water Quality thresholds 4.10-1, 4.10-2, 4.10-4, and 4.10-5 do not result in significant impacts and findings are discussed below.

3.9.1 Threshold 4.10.1

Impact Statement: The Development Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Findings

Potential impacts of the Development Project related to Threshold 4.10-1 are discussed in detail under Section 4.10.6.1 of the EIR. The Development Project would not violate any water quality standards or waste discharge requirements. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-1; therefore, no mitigation is required.

Substantial Evidence

Because construction of the Development Project would disturb greater than 1 acre of soil, the Development Project is subject to the requirements of the Construction General Permit (CGP), as specified in Regulatory Compliance Measure (RCM) WQ-1, identified below. Construction of the Development Project would comply with existing NPDES regulations (as specified in RCM WQ-1 and RCM WQ-2), which include preparation of an SWPPP and Erosion and Sediment Control Plans and implementation of Construction BMPs to target and reduce pollutants of concern in storm water runoff. As also specified in RCM WQ-1, a SWPPP would be prepared and construction BMPs detailed in the SWPPP would be implemented during construction, in compliance with the requirements of the CGP. In addition, as specified in RCM WQ-2, an Erosion and Sediment Control Plan would be prepared and submitted to the City's Public Works Department prior to issuance of any grading permit in

compliance with the City's Municipal Code. As construction of the Development Project is expected to occur over a number of years, an Erosion and Sediment Control Plan would also be prepared annually during construction and submitted to the City's Public Works Department for approval. The SWPPP and Erosion and Sediment Control Plans would detail the BMPs to be implemented during construction and would reduce any amount of sedimentation flowing off-site and into downstream receiving waters. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into Highland Wash, Smith Creek, and Pershing Creek and into downstream receiving waters. Compliance with the requirements of the CGP and City Municipal Code, including incorporation of construction BMPs to target and reduce pollutants of concern in storm water runoff and reduce sediment release to receiving waters, would ensure that construction impacts related to water quality standards, waste discharge requirements and potential degradation of surface or groundwater quality during construction would be less than significant, and no mitigation is required.

Expected pollutants of concern from long-term operation of the Development Project could include bacteria/virus, heavy metals, toxic organic compounds, nutrients, sediment/turbidity, trash and debris, oils, and grease. The Development Project would be required to comply with the requirements of the Whitewater River Watershed MS4 Permit and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development which would ensure a less than significant impact.

Implementation of proposed BMPs would target and reduce pollutants of concern from runoff from the Development Site in compliance with the Whitewater River Watershed Municipal Separate Storm Sewer Systems (MS4) Permit requirements and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development. The MS4 Permit requires preparation of a Final Water Quality Management Plan (WQMP) would specify the Site Design BMPs (storm water management strategies that emphasize conservation and use of existing site features to reduce the amount of runoff and pollutant loading); Source Control BMPs (measures that prevent the introduction of pollutants into storm water); Low Impact Development (LID) mimic a project site's natural hydrology by using design measures that capture, filter, store, evaporate, detain, and infiltrate runoff rather than allowing runoff to flow directly to piped or impervious storm drains); and Treatment Control BMPs (structural BMPs designed to treat and reduce pollutants in storm water runoff prior to releasing it to receiving waters) that would be implemented to capture, treat, and reduce pollutants of concern in storm water runoff. The Preliminary WQMP specifies the Source Control, Site Design, and LID BMPs proposed for the Development Project (no Treatment Control BMPs are proposed because the proposed infiltration basins are being sized to retain 100 percent of the 100-year, 3-hour storm event), and this will be refined based on final site plans as required by RCM WQ-3. Preliminary LID and Design features and regulatory requirements are set forth at Draft EIR Section 4.10.6.1.

Compliance with these requirements, including incorporation of RCM WQ-1 through 3 and operational BMPs to target pollutants of concern, would ensure that impacts related to a potential violation of any water quality standards or waste discharge requirements and degradation of surface

or groundwater water quality during Development Project operation would be reduced to less than significant, and no mitigation measures are required. (Draft EIR Section 4.10.6.1).

3.9.2 Threshold 4.10.2

Impact Statement: The Development Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Development Project may impede sustainable groundwater management of the basin.

Findings

Potential impacts of the Development Project related to Threshold 4.10-2 are discussed in detail under Section 4.10.6.2 of the EIR. The Development Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-2; therefore, no mitigation is required.

Substantial Evidence

The Development Site is located within the boundary of the Coachella Valley Groundwater Basin and the San Gorgonio Pass Subbasin.

According to the Geologic and Geotechnical Review prepared for the Development Project, no groundwater was encountered during on-site boring as deep as 50 feet; however, based on historical groundwater levels, groundwater is expected 100 feet below the ground surface of the Development Site. Based on the depth to groundwater and infiltration rates determined based on percolation tests performed on the Development Site, dewatering activities are not anticipated to occur during Development Project construction activities. Therefore, Project construction is not expected to result in a decrease in groundwater supplies or interfere with groundwater recharge in a manner that may decrease groundwater supplies or impede sustainable groundwater management, and Project impacts would be less than significant, and no mitigation is required.

Development of the Development Project would increase impervious surface area by approximately 333.2 acres, which would decrease on-site infiltration. However, landscaped slope, parking medians, open space, and infiltration basins would be developed as part of the Development Project design to provide areas where storm water runoff can collect and infiltrate. The City of Banning's potable and non-potable water is supplied through groundwater sources. Therefore, it is expected that the Development Project would rely on existing groundwater entitlements to serve the Development Project's water needs. A Water Supply Assessment was prepared for the Development Project and determined that the City had sufficient water supply to serve the Development Project and other ongoing and projected users from groundwater sources during normal, dry year, and multiple dry year conditions, and that sufficient water supplies from existing entitlements are available to serve the Development Project. Therefore, impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be less than significant, and no mitigation would be required. (EIR Section 4.10.6.2).

3.9.3 Threshold 4.10.4

Impact Statement: The Development Project would not result in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation.

Findings

Potential impacts of the Development Project related to Threshold 4.10-4 are discussed in detail under Section 4.10.6.4 of the EIR. The Development Site is not located in a tsunami hazard zone, near any closed bodies of water that would be susceptible to impacts associated with a seiche, and, with the exception of Smith Creek and Pershing Creek which are in Flood Hazard Zone A, the majority of the Development Site is not located within a floodplain, so that there is not a risk of release of pollutants due to Project inundation. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-4; therefore, no mitigation is required.

Substantial Evidence

The Development Site is approximately 55 miles northeast of the Pacific Ocean. Based on the distance from the Pacific Ocean, the Development Site is not located in a tsunami hazard zone and therefore would not be susceptible to impacts associated with a tsunami. The Development Site is not adjacent to or near any closed bodies of water, and, therefore, would not be susceptible to impacts associated with a seiche. Smith Creek and Pershing Creek, located on the Development Site, are in Flood Hazard Zone A. Flood Hazard Zone A areas are subject to inundation by the 1-percent-annual-chance flood event. The remaining portions of the Development Site are not located within a floodplain. During construction, BMPs would be implemented to ensure that during a rain event, pollutants would be retained on site and be prevented from reaching downstream receiving waters. During operations, the Development Project would include 16 infiltration basins sized adequately to retain storm water flows from a 100-year, 3-hour storm, thereby reducing the chance of flooding that could release pollutants to downstream receiving waters. Based on Development Project design and the distance the Development Site is away from the Pacific Ocean and closed bodies of water, implementation of the Development Project would not result in a flood hazard, tsunami, or seiche, risking release of pollutants due to Development Site inundation. (EIR Section 4.10.6.4).

3.9.4 Threshold 4.10.5

Impact Statement: The Development Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Findings

Potential impacts of the Development Project related to Threshold 4.10-5 are discussed in detail under Section 4.10.6.5 of the EIR. The Development Project would not conflict with Colorado River RWQCB Water Quality Control Plan or obstruct the implementation of a sustainable groundwater management plan. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.10-5; therefore, no mitigation is required.

Substantial Evidence

The Development Site is within the jurisdiction of the Colorado River RWQCB. The Development Project would comply with existing Whitewater River Watershed MS4 requirements and would implement construction and operational BMPs to reduce pollutants of concern in storm water runoff (RCM WQ-1, RCM WQ-2, and RCM WQ-3). Compliance with these regulatory requirements would ensure that the Development Project would not degrade or alter water quality in a manner that would cause the receiving waters to exceed the water quality objectives or impair the beneficial use of receiving waters. As such, the Development Project would not result in water quality impacts that would conflict with the Colorado River RWQCB Water Quality Control Plan for the Colorado River Basin Region.

The Development Project would not require dewatering activities during construction as construction depth would not reach the current groundwater level underlying the Development Site. The additional impervious surface areas that would result from Development Project construction would not substantially decrease infiltration compared to existing conditions due to the incorporation of landscaped slope, parking medians, open space, and infiltration basins. The Development Project would increase water use over the previous land uses on the Development Site which were accounted for in the UWMP, and which would be obtained from groundwater. the Water Supply Assessment completed for the Development Project indicates that there are adequate water supplies from groundwater sources during normal, dry year, and multiple dry year demands to serve the Development Project's needs through 2045. Additionally, the City of Banning Public Works Department, which supplies municipal water, ensures that sufficient water supplies from non-groundwater sources are available to continually recharge the groundwater basins so that groundwater overdraft does not occur. In addition, in 2022, the San Gorgonio Pass Water Agency (SGPWA) entered into a 20-year Agreement with the City of San Buenaventura (Ventura) and the Casitas Municipal Water District (Casitas) to purchase annually up to 10,000 acre-feet of Ventura and Casita's Table A State Water Project entitlement. This water would be in addition to the existing 17,300 acre-feet Table A allocation for SGPWA. The City can expect to receive additional water from SGPWA because of its contract with Ventura and would use this additional water for more groundwater recharge. Refer to Section 4.19.3.1 of the Final EIR for additional discussion. For these reasons, the Development Project would not conflict with or obstruct the implementation of a sustainable groundwater management plan.

3.10 LAND USE AND PLANNING

Project impacts for CEQA Land Use and Planning do not result in significant impacts and findings are discussed below.

3.10.1 Threshold 4.11.1

Impact Statement: The Development Project would not physically divide an established community.

Findings

Potential impacts of the Development Project related to Threshold 4.11.1 are discussed in detail in Section 4.11.6.1 of the EIR. The Development Project would not physically divide an established community because the site fits a logical pattern for development in the area. The City finds that

development of the Development Project will result in no impacts relating to Threshold 4.11.1; therefore, no mitigation is required.

Substantial Evidence

Implementation of the Development Project would not physically divide an established community because it would contribute to further urbanization of the area, and facilitate connecting existing development to the Development Project. Under current conditions, Westward Avenue connects the communities on the east and west sides of the Development Site but does not cross the Development Site. Westward Avenue is currently a two-lane unpaved roadway between Highland Home Road and Sunset Avenue. East of Sunset Avenue, Westward Avenue is a two-lane paved roadway. To the south of the Development Site, Bobcat Road connects to Sunset Avenue on the east side of the Development Site but is also unimproved. In the existing condition, Bobcat Road is a compressed dirt road that traverses the wash at grade near the southeast corner of the Development Site. These roads would be retained with the current design of the Development Project, maintaining connectivity for the existing communities surrounding the Development Site facilitating access to onsite commercial and open space uses, and for potential employees. Bobcat Road would be paved with two lanes in each direction, curbing, and sidewalks in both directions. Westward Avenue would be paved similar to Bobcat Road as part of the SLB Extension. Additionally, the Development Project would include new paved roadways that would connect to the existing roadways, providing additional options for crossing the Development Site and maintaining connectivity of the current communities. Therefore, impacts to the existing communities adjacent to the Development Site would be less than significant. The Development Project would bring additional traffic to the area because of the commercial and industrial operations that would be developed, but the additional roadways are designed to connect the Development Project to the surrounding areas. (EIR Section 4.11.6.1).

3.10.2 Threshold 4.112

Impact Statement: The Development Project would not cause a significant environmental impact due to a conflict with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Findings

Potential impacts of the Development Project related to Threshold 4.11.2 are discussed in detail in Section 4.11.6.2 of the EIR. The Development Project would not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.11.2; therefore, no mitigation is required.

Substantial Evidence

The Development Project's consistency with the City's General Plan, SCAG's Connect SoCal, the Western Riverside County MSHCP, land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect is discussed below.

As detailed in Section 4.11 of the Draft EIR, implementation of project design features, conditions of approval, regulatory compliance measures, mitigation measures, and ongoing consultation with the

City of Banning and applicable agencies, would ensure the Development Project maintains consistency with the goals and policies established in the city's General Plan. CEQA requires an EIR to address only whether the Development Project would conflict with the General Plan in such a way that it would result in an environmental effect. In the absence of a planning inconsistency that results in an environmental effect, it is adequate for the City to state, as indicated below, that no conflict would occur. A project need not be in perfect conformity with each and every general plan policy to be found consistent with the general plan. It need only be compatible with the objectives, policies, general land uses and programs specified in the general plan. The Development Project is consistent with the overall goals of the City's General Plan Land Use Element, which are intended to ensure a balance of residential, commercial, industrial, open space and public lands, and to allow changes to the General Plan land use categories for the remaining capacity of undeveloped land. The Land Use Element also recognizes that industrial development has been an important source of jobs in the City, and the City would continue to attract industrial land uses. Table 4.11.A: Development Project Consistency Analysis with the City of Banning General Plan identifies the General Plan policies and goals relevant to the Development Project and discusses Development Project consistency. Appendix J-2 and Appendix J-3 identify recommended conditions of approval (COA TRA-1 through TRA-35), also listed in the Section 4.11 (land use) of the Draft EIR, that the City can adopt to ensure the Development Project would be consistent with the City of Banning General Plan (Final EIR Chapter 3.0, Response to Comment E-31-12). The General Plan Amendment proposed for the Development Project would update the General Plan Land Use Map to reflect the land uses of the Development Project while continuing to provide for a range of housing densities in the City through concurrent General Plan Amendment for the MSJC Site.

The current land use designation of the Development Site includes portions of the Development Site that are designated open space. These portions would be retained as open space and/or a public park under current design. The Development Project would preserve more of the Development Site for resource conservation than does the existing zoning and would be consistent with applicable MSHCP guidelines and goals, as discussed in Section 4.4 of this EIR. The remaining portions of the Development Site are currently designated for residential land uses and would need to be re-zoned for industrial uses. This change would be consistent with the City of Banning's General Plan goals and policies and would not conflict with existing adjacent land uses. (EIR Section 4.11.6.2).

3.11 MINERAL RESOURCES

Project impacts for CEQA Mineral Resources do not result in significant impacts and findings are discussed below.

3.11.1 Threshold 4.12.1

Impact Statement: The Development Project would not result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the State.

Findings

Potential impacts of the Development Project related to Threshold 4.12.1 are discussed in detail in Section 4.12.6.1 of the EIR. The Development site is not identified as an area containing known mineral

resources. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.12.1; therefore, no mitigation is required.

Substantial Evidence

The City of Banning is in Riverside County, and there is no land within Riverside County that the SMGB designates as locally important mineral recovery sites. While the Development Site is mapped as MRZ-3 (an area of undetermined mineral resource significance), it is not identified as an area containing known PCC-grade aggregate resources. Furthermore, over the past 120 years, there has been no evidence that significant mineral resources are located on the Development Site nor has the State, County, or City conducted mineral recovery on the Development Site. The General Plans of the City and Riverside County have not designated the Development Site with a land use designation that allows for mineral extraction nor does either the City or County designate the Development Site as an area held in reserve for future mining activities. (EIR Section 4.12.6.1). In the absence of any evidence that mineral resources of a regional or Statewide significance are located on the Development Site, project impacts would be less than significant.

3.11.2 Threshold 4.12.2

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Development Project related to Threshold 4.12.2 are discussed in detail in Section 4.12.6.2 of the EIR. The Development site is not identified as an area containing known mineral resources on a local general plan, specific plan, or other land use plan. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.12.2; therefore, no mitigation is required.

Substantial Evidence

Neither the City of Banning General Plan nor the Riverside County General Plan delineates the Development Site as a locally important mineral resource recovery site. The nearest mine to the Development Site mapped on the Division of Mine Reclamation's "Mines Online" map is the Banning Quarry, an active sand and gravel mine approximately 3.28 miles northeast of the Development Site. Implementation of the Development Project would not 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. (EIR Section 4.12.6.2).

3.12 NOISE

Project impacts for CEQA Noise Thresholds 4.13.2 and 4.13.3 do not result in significant impacts and findings are discussed below. Project impacts for traffic during construction and related to operational noise under Threshold 4.13.1 do not result in significant impacts and findings are discussed below. Findings with respect to significant and unavoidable construction noise impacts under Threshold 4.13.1 are discussed in Section 5.3.

3.12.1 Threshold 4.13.1

Impact Statement: With respect to construction traffic, the Development Project would not substantially increase ambient noise levels on off-site noise-sensitive uses in excess of the City's interior construction noise standard or substantially increase ambient noise levels on off-site noise-sensitive uses in excess of conditionally acceptable noise levels established in the City and County's land use compatibility for community noise. With respect to operational noise impacts from traffic and on-site uses, the Development Project would not result in the 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.

Findings

Potential impacts of the Development Project related to Threshold 4.13.1 are discussed in detail in Section 4.13.6.1 of the EIR. With implementation of PDF N-1 and N-2, the City finds that development of the Development Project will result in less than significant operational impacts relating to Threshold 4.13.1 and less than significant traffic noise impacts relating to Threshold 4.13.1; therefore, no mitigation is required. Findings with respect to significant and unavoidable construction noise impacts under this Threshold are discussed in Section 5.3.

Substantial Evidence

Construction Noise Traffic Impacts. The Development Project construction traffic would result in a traffic noise increase of up to 7.4 dBA along Sunset Avenue between Westward Avenue and Bobcat Road. The MSJC campus is the only noise-sensitive use along Sunset Avenue between Westward Avenue and Bobcat Road. As modified with the inclusion of MM NOI-2, the school is located approximately 115 feet from Sunset Avenue centerline. As analyzed in the Draft EIR, the school was presumed to be located only 75 feet from the Sunset Avenue Centerline and at that distance was determined to be exposed to a traffic noise level of 53.7 dBA CNEL based on **Table 4.13.J**. This noise level would not exceed the City's exterior noise standard of 65 dBA CNEL. In addition, ambient noise levels in this area represented by ST-3 have a noise level of 55.5 dBA CNEL shown in **Table 4.13.A**. Based on the above information, the actual noise increase would be less than 2.2 dBA when ambient noise levels are factored in. A noise increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment and therefore is found **l**ess than significant without mitigation.

Operational Traffic Noise Impacts. The FHWA Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions along street segments in the Development Project vicinity for the existing year, opening year, and horizon year and to evaluate whether off-site traffic noise would result in a substantial permanent increase in ambient noise levels and traffic noise levels would exceed the City's exterior noise standard of 65 dBA CNEL along Sunset Avenue between Lincoln Street and south of Westward Avenue.

Noise levels generated from project operations would not exceed the City's exterior daytime noise standard of 55 dBA L_{eq} for residences and the MSJC campus located in the City. With implementation of PDF N-1, off-site traffic noise impacts from operation of the Development Project would be less than significant because the Development Project would not exceed the City's exterior noise standard

of 65 dBA CNEL for noise-sensitive land uses such as residence even though the Development Project would result in a substantial permanent increase in ambient noise levels.

Operational Stationary Source Noise Impacts. Truck delivery and truck loading and unloading activities; heating, ventilation, refrigeration equipment, and air conditioning (HVAC) equipment; drive-through speakerphones; parking lot activities, fueling activities, and outdoor eating activities associated with the Development Project could affect the existing off-site sensitive land uses. PDF N-2 would include 10ft high "wing walls" around buildings 1 and 2, refrigeration equipment would require rooftop equipment to be shielded or relocated to the ground floor, and automobile parking lots south of warehouse buildings 1 and 2 would be surrounded by 6 ft high walls.

Noise levels generated from operations of the Development Project would not exceed the County's exterior daytime 10-minute noise standard of 65 dBA L_{eq} for residences located in the unincorporated County, and noise levels generated from operations of the Development Project would not exceed the County's exterior nighttime 10-minute noise standard of 45 dBA L_{eq} for residences located in the unincorporated County except for residences represented by Receptor R-11. Since noise level increase of less than 3dBA would not be perceptible to the human ear in an outdoor environment, and the Development Project would increase ambient noise levels by up to 2.9 dBA, the project operational noise impacts would be less than significant. (EIR Section 4.13.6.1).

3.12.2 Threshold 4.13.2

Impact Statement: The Development Project would not generate excessive ground-borne vibration or ground-borne noise levels.

Findings

Potential impacts of the Development Project related to Threshold 4.13.2 are discussed in detail under Section 4.13.6.2 of the EIR. The Development Project will not generate excessive ground-borne vibration or noise levels. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.13.2; therefore, no mitigation is required.

Substantial Evidence

The greatest vibration levels and annoyance and building damage impacts would occur during the site preparation and grading phase and to be generated by construction equipment. Draft EIR Section 4.13.6.2. All other phases are expected to result in lower vibration levels. The Draft EIR (Table 4.13.X Potential Construction Vibration Annoyance) lists the projected vibration levels from various construction equipment expected to be used on the Development Site from the active construction area, which is the center of the closest on-site building, to the closest off-site buildings in the project vicinity. As identified there, the level of vibration generated by the Development Project from construction equipment would not have the potential to result in community annoyance because vibration levels would not exceed the FTA community annoyance threshold of 78 VdB for sensitive receptors at the closest residential structures or at the school on the MSJC Site. Other building structures surrounding the Development Site would experience lower vibration levels because they are farther away. Since construction equipment would be the primary source of vibration impacts and in the absence of any evidence that construction equipment would cause vibration exceeding the FTA

annoyance threshold at sensitive receptors closest to the Development Site, project impacts would be less than significant.

The Final EIR (Table 4.13.Y Potential Construction Vibration Damage) lists the projected vibration levels from various construction equipment expected to be used on the Development Site from the project construction boundary to the closest off-site buildings in the project vicinity. This vibration level would not have the potential to result in building damage because all building structures surrounding the Development Site were observed to be constructed of nonengineered-timber and masonry and vibration levels would not exceed the FTA vibration damage threshold of 0.2 PPV (in/sec). Other building structures surrounding the Development Site would experience lower vibration levels because they are farther away. Since construction equipment would be the primary source of building damage vibration impacts and in the absence of any evidence that construction equipment would cause vibration exceeding the FTA annoyance threshold at sensitive receptors closest to the Development Site, project impacts would be less than significant.

Once operational, the Development Project would not generate vibration. In addition, vibration levels generated from project-related traffic on the adjacent roadways (i.e., Sunset Avenue, Highland Springs Avenue, Sun Lakes Boulevard/Westward Avenue, and Bobcat Road) would be unusual for on-road vehicles because the rubber tires and suspension systems of on road vehicles provide vibration isolation. (EIR Section 4.13.6.2). Therefore, vibration levels generated from operations of the Development Project would be less than significant.

3.12.3 Threshold 4.13.3

Impact Statement: 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 2 miles of a public airport or public use airport, the Development Project would not expose people residing or working in the project area to excessive noise levels.

Findings

Potential impacts of the Development Project related to Threshold 4.13.3 are discussed in detail in Section 4.13.6.3 of the EIR. The Development site is outside the noise contours of Banning Municipal Airport. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.13.3; therefore, no mitigation is required.

Substantial Evidence

Based on the Riverside County Airport Land Use Compatibility Plan, the Development Site is outside the 55 dBA CNEL noise contours of Banning Municipal Airport. Additionally, there are no private airstrips located within the vicinity of the Development Site. Therefore, the Development Project would not expose people working in the project vicinity to excessive noise levels. (Draft EIR Section 4.13.6.3).

3.13 POPULATION AND HOUSING

Project impacts for CEQA Population and Housing do not result in significant impacts and findings are discussed below.

3.13.1 Threshold 4.14.1

Impact Statement: The Development Project would not 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).

Findings

Potential impacts of the Development Project related to Threshold 4.14.1 are discussed in detail in Section 4.14.6.1 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.14.1; therefore, no mitigation is required.

Substantial Evidence

Construction. The Development Project would develop a vacant approximately 533.8-acre site with industrial uses, general commercial uses, and a 125-room hotel. Implementation of the Development Project is anticipated to occur in three phases over the span of approximately 51 months. It is anticipated that general construction labor would be available from the local and regional labor pool and would not result in substantial population growth. Many of the construction jobs for each phase would be temporary and would be specific to the variety of construction activities. Each construction phase (e.g. grading, paving, electrical etc.) requires different skills and specialties, which would be needed for the length of time of that phase. Although the Specific Plan uses would increase the number of employees at the Development Site during construction activities, it is expected that local and regional construction workers would be available to serve the construction needs of the site. This can be reasonably determined based on the current (August 2023) unemployment rates of 5.9 and 5.0 percent for the City and County, respectively. Construction workers would not be expected to relocate their households' places of residence as a consequence of working on the Development Project. Because of that, the Development Project's construction phases would not result in a long-term increase in employment and would not induce substantial unplanned population growth from short-term construction activities. Therefore, the Development Project would not directly or indirectly induce substantial unplanned population growth in the City during construction, or induce demand for housing through increased construction employment. Therefore, construction would result in a less than significant impact, and no mitigation would be required.

Operation. The Development Site currently is designated for residential and commercial development. The Development Project would not include the development of residential units, and buildout of the Development Project would not directly add to the existing residences or induce direct population growth in the City. However, compliance with Government Code Section 66300 et seq. would mean there would be no net loss of residential capacity in the City and development of the Development Site with commercial and industrial uses would not cause a reduction of potential housing stock.

Proposed uses on the Development Site are anticipated to provide employment for up to 5,993 people at Specific Plan buildout. While SCAG 2016 employment predictions for the City were forecasted to increase to 11,400 jobs in 2045, employment in the City in 2022 already reached 10,500 employees. Response to Comment D-3-18. The City currently has a jobs-housing imbalance, and City and County unemployment rates cited in the Draft EIR **Section 4.14.6.1 and RTC D-3-18** suggest an available local and regional labor pool exists to fill the long-term employment opportunities offered by the Development Project. In addition, there is an imbalance of jobs and housing in Western Riverside County and the jobs that an industrial and commercial project would likely provide would be consistent with the job skills of residents in the area. Approximately 86.1% Banning residents commute outside of the City for work. The city and region contain an ample supply of potential employees under existing conditions which makes it unlikely that the Development Project's labor demand would need to draw substantial number of employees from outside the region to fill the employment opportunities resulting from implementation of the Development Project. The employment generated from the Development Project generation would not induce substantial growth in the area because the Development Project would result in service-oriented and industrial-oriented jobs, which are jobs that are anticipated to be filled by residents of the City and surrounding area. See response to Comment D-3-18. Additionally, existing approved and planned residential development in the City could sufficiently accommodate any new workers; therefore, the Development Project does not induce unplanned population growth.

The infrastructure that would be constructed in connection with the Development Project is either already planned for by the City or needed for already planned growth as described in the City's General Plan, Integrated Master Plan (IMP), Capital Improvement Program (CIP), and/or other City plans. The Development Project does not require off-site construction or extension of infrastructure that was not already considered and approved by the City. For example, while the Development Project includes the installation of a new internal circulation network, the roadway improvements constructed as part of the Development Project would result in build out of roads in a manner consistent with the City's existing General Plan Circulation Element and would not expand the scope or change the designations of those roadways beyond the City's already planned for improvements. Similarly, while the Development Project will underground certain existing utility lines along the perimeter of the Development Site it will not extend utility lines in areas other than the perimeter of the Development Site and only connects the Development Site with existing utility lines abutting the site. The installation of wet utility facilities (e.g., water, wastewater, recycled water) required for the Development Project would connect to existing City systems pursuant to the future needs identified in the IMP and developed pursuant to the City's CIP and would not extend infrastructure or promote growth (directly or indirectly) beyond that already accounted for by the City; therefore, impacts would be less than significant.

To comply with SB 330 requirements, the proposed Development Site would transfer the 1,146 residential units to an existing 49.2-acre site located in the City (to the east of the Development Site) that is owned by the Mt. San Jacinto Community College District (MSJCCD). As such, unaccounted for population growth due to this action would not occur. (EIR Section 4.14.6.1).

3.13.2 Threshold 4.14.2

Impact Statement: The Development Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Findings

Potential impacts of the Development Project related to Threshold 4.14.2 are discussed in detail in Section 4.14.6.2 of the EIR. The Development Project would not displace any existing housing or populations at the Development Site. The City finds that development of the Development Project will result in no impacts relating to Threshold 4.14.2; therefore, no mitigation is required.

Substantial Evidence

In its existing condition, the Development Site is undeveloped land that is utilized for occasional cattle grazing. The Development Project would not displace any existing housing or populations at the Development Site. (EIR Section 4.14.6.2).

3.14 PUBLIC SERVICES

Project impacts for CEQA Public Services do not result in significant impacts and findings are discussed below.

3.14.1 Threshold 4.15.1

Impact Statement: The Development Project would not 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 fire protection.

Findings

Potential impacts of the Development Project related to Threshold 4.15.1 are discussed in detail in Section 4.15.6.1 of the EIR. Construction of a new fire facility on the Development Site or elsewhere in the City is not required as a result of the Development Project. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.1; therefore, no mitigation is required.

Substantial Evidence

The Development Project would impact fire services by placing an additional demand on existing resources and personnel but would not increase the level of personnel or resources beyond that currently provided by these stations.

Construction. Construction activities for the Development Project and the public facilities have the potential to affect fire protection services, such as emergency vehicle response times, by potentially requiring circulation detours, road closures, and lane closures during off-site improvements around the Development Site. The City and/or fire protection authority may identify requirements to

maintain necessary access by law enforcement providers through evacuation (as necessary) from construction zones. Requirements may include (but would not be limited to): advance notification to motorists and emergency service providers; identification or installation of appropriate detour/access routes; use of signage, traffic control features, or flag persons during construction activities to facilitate access; restrictions on the duration/timing of construction activities; and/or scheduling/ phasing of construction activities to avoid/minimize changes in public access. The Development Project would implement the necessary provisions identified by the City and emergency service providers to maintain access to and through the Development Site. Therefore, potential impacts related to emergency access during Development Project construction would be less than significant, and no additional mitigation measures would be required.

Construction associated with the Development Project could also increase the potential for accidental on-site fires from the operation of construction equipment, the use of flammable construction materials, and sparking during the removal of existing on-site vegetation. California Occupational Safety and Health Administration (CAL-OSHA) and Fire and Building Code requirements mandate that the construction contractor carefully store flammable materials in appropriate containers during Development Project construction, use construction equipment with spark arrestors, and to immediately and completely clean up spills of flammable materials when they occur. In addition, the construction contractor and construction personnel would be trained in emergency response, and fire suppression equipment specific to the construction site would be available and maintained on site for the duration of the construction period. Adherence to existing laws would ensure that the Development Project would not have a significant construction impact related to fire protection service from RCFD. As such, construction-related impacts to fire protection, emergency medical services, and fire department response times would be minimized and the provision of new or physically altered governmental facilities, the 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 fire protection would not be required. Impacts would be less than significant, and no mitigation measures are required.

Operation. The proposed Development Project permits up to 5,545,000 square feet of industrial use on 392.0 acres, up to 268,400 square feet of commercial uses, including Travel Center Retail Uses, a Fueling Facility and a hotel with 125 rooms comprised of approximately 90,000 square feet in a 47.9-acre area on the Northern Portion of the Development Site, 65.6 acres of Open Space – Park/Resource use, and 28.3 acres of internal street dedication/circulation. The Development Project would provide general and emergency access via Sunset Avenue. With development of the Development Project, multiple points of access would be created. Access to Sunset Avenue would be provided via "Street A," Lincoln Street, and the Sun Lakes Boulevard (SLB) Extension. Access to the commercial area in PA 1 would be provided by "Street A" and Lincoln Street. Direct access to PAs 2, 3, and 4 would be provided by Sunset Avenue. Access to PAs 6 and 7 would be provided from the south by Lincoln Street, and access to PAs 2, 5, and 8 would be provided from the north by Lincoln Street and by the SLB Extension to the south. PAs 9 and 10 would be provided access from the future SLB Extension. PAs 11 and 12 would be accessible from the SLB Extension and South Highland Home Road. Planning Area 4 would be accessible from the SLB Extension on the north and Bobcat Road on the south. All roadways and structures associated with the Development Project would be constructed in accordance with

City and RCFD emergency access standards. Development on the Development Site would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Development Site for emergency vehicles. The commercial and industrial uses associated with the Development Project would generate an increased demand for RCFD service due to the number of employees anticipated to occupy the Development Site at any given time and based on the size of the buildings that would be developed as part of the Development Project. Although the Development Project would increase the demand of service from RCFD, the RCFD has indicated that existing staffing levels at Stations 89 and 20, as well as other RCFD Stations in the vicinity of the Development Site, would adequately serve the Development Project. Further, the Development Project would not have a significant impact on fire services if the RCFD Fire Station to be located in PA 12 is not developed, as the RCFD has indicated that existing staffing levels at Stations 89 and 20, as well as other RCFD Stations in the vicinity of the Site, would adequately serve the Development Project. Based on the anticipated nature and scale of development, including the anticipated employment population on the Development Site, occupation of the Development Site with the proposed uses is anticipated to increase emergency call volume by up to 483 calls per year (9 calls per week or 40 calls per month). At Development Project buildout, Fire Station 20 could potentially respond to an additional 8 calls per week, which would increase the total number of calls per week to up to 65.[17] Due to the industrial and commercial nature of the Development Project, the Development Site will be best categorized as "Heavy Urban" with a recommended response time of 5 minutes 90 percent of the time. Fire response to the Development Site closest existing Fire Station (Station 20) would achieve a 5-minute travel time to the western entrance of the Development Site. Responding from the east, Fire Station 89 would achieve a 5-minute travel time to the eastern entrance of the Development Site.

The Fire Protection Plan (FPP) prepared for the Development Project evaluated the potential fire risk associated with the proposed land uses and identified requirements for water supply, fuel modification and defensible space, access, building ignition and fire resistance, and fire protection systems, among other pertinent fire protection criteria. The FPP has been prepared for the Development Project to generate and memorialize the fire safety requirements and standards of the RCFD which inform the Development Project's designed to meet fire protection, emergency access, and emergency evacuation safety requirements. Water availability, fire water flow, and hydrant placement would be reviewed and verified by the RCFD to ensure compliance with local and State codes. The Fuel Modification Plan (FMP) of the FPP would be implemented to provide greater protection to Development Project buildings and occupants and to reduce commencement of fires.

Regulatory Compliance Measure (RCM) FIRE-1 (RCM FIRE-1) requires the Development Project to implement and adhere to the FPP and its wildfire reduction measures. Furthermore, RCM Public Services-1 (RCM PS-1) would require the payment of development impact fees to the City of Banning that would contribute to the fair share funding for RCFD improvements, staffing increases, and equipment purchases to ensure adequate fire protection services continue in the City and at the Development Site. (EIR Section 4.15.6.1)

With implementation of RCMs FIRE-1 and PS-1, the Development Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, or the need for new or physically altered fire facilities in order to maintain acceptable service

ratios, response times, or other performance objectives for fire protection. Construction of a new fire facility on the Development Site or elsewhere in the City is not required as a result of the Development Project and, notwithstanding the request by the City that the Development Project include a set aside of land for a potential future fire station, consideration of impacts of construction of a station at that location would be remote and speculative. Impacts would be less than significant, and no mitigation measures are required.

To allow flexibility to the City for future planning purposes, the Development Project incorporates an offer of dedication to the City for an approximately 1.5-acre site in Planning Area (PA) 12 as a potential future site for a fire station, should the City determine in the future that location of a fire station facility in that location is advisable.

3.14.2 Threshold 4.15.2

Impact Statement: The Development Project would not 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 police protection.

Findings

Potential impacts of the Development Project related to Threshold 4.15.2 are discussed in detail in Section 4.15.6.2 of the EIR. Construction of a new government facilities on the Development Site or elsewhere in the City is not required as a result of the Development Project and significant need of additional police protection is not anticipated. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.2; therefore, no mitigation is required.

Substantial Evidence

Construction. Construction activities have the potential to affect law enforcement services, such as emergency vehicle response times, by potentially requiring circulation detours, road closures, and lane closures during off-site improvements around the Development Site. Construction activities including activities resulting in changes to access will be reviewed by the City and the Banning Police Department (BPD). The City and/or BPD may identify requirements to maintain necessary access by law enforcement providers similar to those identified for fire protection access. The Development Project would implement the necessary provisions identified by the City and emergency service providers to maintain access to and through the Development Site thus resulting in no significant impacts.

Construction activities at the Development Site have the potential to attract criminals during non-construction hours due to construction equipment and vehicles with gasoline and diesel fuel left on site, and unsecured construction materials. To minimize criminal trespassing, the Development Site (construction areas) would be fenced and, during non-construction hours, access points would be locked. Construction equipment would be stored in well-lit areas, and smaller equipment would be secured to reduce absconding from trespassers. Patrols by BPD would increase during non-

construction hours; however, such increases in patrolling would be nominal and would be in existing patrol areas of the BPD. Overall, steps would be taken during Development Project construction activities to reduce calls for service from the BPD negating the necessity to build a new police station or expand existing BPD stations in the City. Potential impacts related to law enforcement service during Development Project construction would be less than significant, and no mitigation measures are required.

Operation. The Development Project's commercial and industrial uses would increase the number of employees on the Development Site and would attract business and hotel visitors and therefore would increase the population within the City of Banning and within the BPD service area during certain periods. The Development Project would not include the development of residential units and therefore would not directly increase the existing population of the City of Banning and the BPD service area. Because of the increase in employees and business and hotel visitors, it is anticipated that BPD service calls would increase due to the Development Project and could impact the service capability of the BPD over the lifetime of the Development Project. The purpose of the Police Facilities Development Impact Fees is to address the needs of the City to add new BDP stations purchase of new BPD equipment, and/or improvements to existing BDP facilities in the City as needed. As a condition of the Development Project, specified in RCM PS-2 (Draft EIR Section 4.15.6.2), the Development Project would pay its fair share of Police Facilities Development Impact Fees and implementation of the Development Project would not require the specific development of a new BPD facility or expansion of the existing facility in the City, impacts would be less than significant, and no mitigation measures would be required. (EIR Section 4.15.6.2).

3.14.3 Threshold 4.15.3

Impact Statement: The Development Project would not 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 schools.

Findings

Potential impacts of the Development Project related to Threshold 4.15.3 are discussed in detail in Section 4.15.6.3 of the EIR. The Development Project does not include the development of residential uses and direct increases in student enrollment to schools in BUSD would not occur. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.3; therefore, no mitigation is required.

Substantial Evidence

As the Development Project does not include the development of residential uses, direct increases in student enrollment to schools in BUSD would not occur. it is estimated that the majority of the employees that would occupy the Development Site would likely reside in areas and jurisdictions surrounding the Development Site or within the City of Banning and/or within the current service boundary of the BUSD; as such, school-aged children of any potential new employees would already be enrolled in BUSD schools and the addition of new students to BUSD would be nominal. The

provisions of SB 50 provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other State or local laws. As such, with payment of Development Impact Fees to BUSD through implementation of RCM PS-3, impacts to the BUSD and its schools from implementation of the Development Project would be less than significant, and no mitigation measures are required. (EIR Section 4.15.6.3).

3.14.4 Threshold 4.15.4

Impact Statement: The Development Project would not 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 parks.

Findings

Potential impacts of the Development Project related to Threshold 4.15.4 are discussed in detail in Section 4.15.6.4 of the EIR. The Development Project would not increase the population requiring the need for the development of additional parks. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.15.4; therefore, no mitigation is required.

Substantial Evidence

The Development Project would not include the development of residential units; therefore, the Development Project would not directly add to the existing population of the City, and would not generate new residential park demand. The City determines park demand on a per resident basis. As such, industrial and commercial uses are not considered by the City to generate park and recreation demand. Additionally, the Development Project would include approximately 12.6 acres of Open Space – Parks. The 5 acre passive park on the Development Site would be open to the public and would be accessible to City residents, employees (including employees occupying the Development Site), and visitors. Impacts would be less than significant, and no mitigation measures are required. (EIR Section 4.15.6.4).

3.14.5 Threshold 4.15.5

Impact Statement: The Development Project would not 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 other public facilities.

Findings

Potential impacts of the Development Project related to Threshold 4.15.5 are discussed in detail in Section 4.15.6.5 of the EIR. The Development Project would not increase the population to the extent that the construction of additional or physically altered public facilities are required. The City finds

that development of the Development Project will result in less than significant impacts related to Threshold 4.15.5; therefore, no mitigation is required.

Substantial Evidence

The EIR analysis focused on libraries, as other public facilities (i.e., City Town Hall and City Departments) have been developed to accommodate the build-out population of Banning as well as the employment force in the City of Banning. The Banning Library District (BLD) provides library service to Banning residents and employees. BLD facilities are currently providing adequate service to District residents. Demand for library services is typically determined based on the size of the resident population. Implementation of the Development Project does not include residential uses and therefore would not directly add population to the City of Banning that could use services provided by the BLD. The BLD is funded through the payment of property taxes. In the absence of a direct or indirect increase in library demand from Development Site uses, there is no need for additional library facilities. As BLD facilities are currently providing adequate service to District residents, and because any use of BLD facilities by Development Site employees would be expected to be nominal, it is reasonable to conclude the continued payment of property taxes (which include an appropriate BLD assessment) will provide adequate funds to support BLD functions/facilities; therefore, no impact to BLD would result from development of the Proposed Project. (EIR Section 4.15.6.5).

3.15 RECREATION

Project impacts for CEQA Recreation do not result in significant impacts and findings are discussed below.

3.15.1 Threshold 4.16.1

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Development Project related to Threshold 4.16.1 are discussed in detail in Section 4.16.6.1 of the EIR. The Development Project is not expected to result in an unplanned increase in the number of residents and would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.16.1; therefore, no mitigation is required.

Substantial Evidence

As indicated above, the City determines park demand on a per resident basis. Industrial and commercial uses are not considered by the City to generate park and recreation demand. The Development Project would not include the development of residential units and as a result buildout of the Development Project would not directly add to the existing population of the City and would not generate new residential park demand. Buildout of the Development Project is anticipated to

increase employment in the City by approximately 5,993 jobs, the majority of which are anticipated to be filled by existing City residents or existing County residents. These existing City and County residents likely already use park and recreation facilities within the City and County. Some employees could relocate into the City or nearby unincorporated County land; however, the existing and planned housing stock in the City is more than sufficient to accommodate the small number of employees who may relocate, and therefore buildout of the Development Project would not indirectly result in a population increase in the City that has not been accounted for. Therefore, the Development Project would not result in existing park and recreational facilities in the City being used by more residents. Nevertheless, the Development Project would include approximately 12.6 acres of Open Space – Parks (comprising a 5.0-acre passive park and 7.6 acres of passive open space).

Although the City currently does not meet its per resident park requirements, because the Development Project is not expected to result in an unplanned increase in the number of residents in the City and the City does not consider industrial or commercial uses as generating park and recreation demand, the Development Project is not anticipated to generate an increased need for use of existing neighborhood or regional parks and other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated. (EIR Section 4.16.6.1).

3.15.2 Threshold 4.16.2

Impact Statement: The Development Project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Findings

Potential impacts of the Development Project related to Threshold 4.16.2 are discussed in detail in Section 4.16.6.2 of the EIR. Future park developments within the Development Site were analyzed as ancillary incremental portions related to other uses on the Development Site, and would also be required to adhere to the development standards and design guidelines of the Specific Plan. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.16.2; therefore, no mitigation is required.

Substantial Evidence

Within the 12.6-acre Planning Area 11, Open Space – Park uses include 5.0 acres to be utilized as a passive park, with the remaining 7.6 acres utilized as passive open space. The 5.0-acre passive park would provide recreational amenities including a tot lot playground, picnic tables, trails, walking paths, surface parking lot, and restrooms. The 7.6-acre passive open space area would include a trail system. The 12.6-acre Open Space – Parks use would be publicly accessible and would more than likely be used by employees on the Development Site and existing off-site residents in the City and adjacent unincorporated County areas. a Construction and operation of the proposed passive park on the Development Site has been evaluated throughout this EIR under the appropriate resource sections (air quality, biological resources, etc.) and is included in the analysis of environmental impacts of the Development Project in this EIR. Potentially adverse impacts to the environment that may result from the creation of parkland pursuant to buildout of the Development Project would be less than significant upon the implementation of the Specific Plan's goals, policies, and actions and existing

federal, State, and local regulations. Future park developments within the Development Site would also be required to adhere to the development standards and design guidelines of the Specific Plan. Furthermore, subsequent City review would be required for approval and development of future park sites on the Development Site. Therefore, a less than significant impact relating to new or expanded park and recreational facilities would occur and no mitigation is warranted. (EIR Section 4.16.6.2).

3.16 TRANSPORTATION

Project impacts for CEQA Transportation Thresholds 4.17.1, 4.17.3 and 4.17.4 do not result in significant impacts and findings are discussed below.

3.16.1 Threshold 4.17.1

Impact Statement: The Development Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities.

Findings

Potential impacts of the Development Project related to Threshold 4.17.1 are discussed in detail in Section 4.17.6.2 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.17.1; therefore, no mitigation is required.

Substantial Evidence

The Development Project would be consistent with applicable plans, ordinances, and polices that address the circulation systems. Improvements to the existing roadway network (i.e., widening, parkways, sidewalk, curb and gutter, new lanes) and new internal roadways would be constructed to meet City standards. The Specific Plan Development Standards and Design Guidelines identify road design standards by which the Development Project roadway network would be developed. The Development Project would be consistent with the applicable General Plan policies related to pedestrian and bicycle facilities. The Development Project would include an internal circulation system presenting an opportunity for new bus stops to be added to the Banning Connect transit system. It is expected that transit service would be provided as needed and determined by Banning Connect once the Development Project reaches a transit-supportable level of operations or surpasses the existing transit facilities to the east of the Development Site. For these reasons, implementation of the Development Project would not be inconsistent with a program, plan, ordinance, or policy addressing the existing transit system. (EIR Section 4.17.6.2).

3.16.2 Threshold 4.17.3

Impact Statement: The Development Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)**.**

Findings

Potential impacts of the Development Project related to Threshold 4.17.3 are discussed in detail in Section 4.17.6.4 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.17.3; therefore, no mitigation is required.

Substantial Evidence

Improvements to the existing roadway network and new internal roadways would be constructed to meet City standards. The proposed driveways and intersections would be designed so as to not introduce hazards due to geometric design feature (e.g., sharp curves or dangerous intersections). This impact would be less than significant. Additionally, the Development Site occurs in an area surrounded by residential uses to the west, Union Pacific Railroad and I-10 to the north, and business park, light industrial, and residential uses to the east. While large-lot residential uses and agricultural operations (ranching/grazing) are located south of Bobcat Road, the Development Project would be separated from such uses by the existing roadway (Bobcat Road).

An additional project design feature has been incorporated into the Specific Plan (see revised Specific Plan, Section 3.4) to discourage truck travel along Sun Lakes Boulevard west of the Development Site.

Final EIR, Chapter 3.0, Response to Comment E-31-15 states, "As cited in the Specific Plan (Draft EIR, Appendix B, page 2-9) Sunset Avenue would have a "center raised or painted median." The improvement stated in the Specific Plan for this segment of Sunset Avenue is identified in Section 3.5.3.2 of the Draft EIR (see page 3-45 and Figure 3-9). As detailed in the Draft EIR (Section 4.11, pages 4-11-32 and -33), the improvements at the intersection of Sunset Avenue at both Lincoln Street and the Sun Lakes Boulevard include the installation of traffic signals, dedicated left turn lanes, and through- and right turn-lanes.[2] These features will regulate traffic along Sunset Avenue, thereby promoting sufficient and safe access into the Serrano del Vista Community and the MSJC Campus. As discussed in the Specific Plan (Appendix B, pages 1-4 and 2-10) the proposed circulation improvements are in conformance with the City's General Plan and would require appropriate review by the City Engineer. The City, through established design and development review processes, ensures that developments do not introduce inefficient or unsafe transportation system or traffic improvements. Established traffic safety designs and design protocols routinely employed by the City typically include: the California Manual on Uniform Traffic Control Devices (CA MUTCD); the Highway Design Manual; the AASHTO Policy on Geometric Design of Highways and Streets; the Caltrans Standard Plans and Standard Specifications; the City's Standard Drawings; and the City's Special Provisions. Other pertinent documents may include Specific Plans, Master Plans, and the Conditions of Approval for the Project. These design protocols would appropriately consider community access, truck movement, and potential traffic hazards. The provision of the circulation improvements (as reviewed and approved by the City Engineer and the with the incorporation of appropriate design criteria) would ensure such improvements provide sufficient safe access to and through the Project area and to/from the Serrano del Vista community."

PDF T-4: Truck Route Management Plan. The Truck Route Management Plan, to be approved by the City Community Development Director, will be required prior to issuance of the first occupancy permits for each industrial site, and will include the following components:

- Posting of signage clearly showing the designated entry for trucks from the public streets to the designated on-site truck check-in and truck parking areas.

[2] See COAs TRA-25 and TRA-25, at Draft EIR Section 4.11.6.2.

- Posting of signage indicating that all parking and maintenance of trucks must be conducted within the designated onsite areas and not within the surrounding community or on public streets.
- Posting of signage for exiting traffic (other than exempt vehicles) showing the designated exits and restricting westward travel on Sun Lakes Boulevard west of Highland Home Road.
- Lease provisions clearly identifying the required truck routes, including requiring trucks to use Sunset Avenue to access the I-10 Freeway interchange and prohibiting trucks (other than exempt vehicles) on Sun Lakes Boulevard west of Highland Home Road.
- Consider and include, where feasible, driveway aprons providing egress to SLB Extension that physically direct trucks east on Sun Lakes Boulevard Extension in a manner that does not affect exempt vehicles.
- Truck route maps provided to all drivers and posted in breakrooms and throughout the Project.
- Designation of a Traffic Coordinator contact for the City to notify in the event of traffic issues.

For the Truck Route Management Plan, exempt vehicles include emergency and public safety vehicles, buses, limos and passenger vehicles, vehicles owned by a public utility or public agency and delivery vans serving local routes or using designated detour routes. With the incorporation of the Truck Route Management Plan, potential conflicts with truck traffic through residential uses would be reduced.

Therefore, the Development Project would not introduce safety hazards due to incompatible uses, and no mitigation is required. (EIR Section 4.17.6.4).

3.16.3 Threshold 4.17.4

Impact Statement: The Development Project would not result in inadequate emergency access**.**

Findings

Potential impacts of the Development Project related to Threshold 4.17.4 are discussed in detail in Section 4.17.6.5 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.17.4; therefore, no mitigation is required.

Substantial Evidence

The Development Project is not anticipated to result in any significant emergency access impacts during construction. In the event of an accident or emergency during Development Project construction, emergency service providers would still be able to access the Development Site from Bobcat Road, Sunset Avenue, Lincoln Avenue, and Highland Home Road. Internal access roads would be constructed throughout the Development Site for construction staff/inspectors, construction equipment and materials delivery/removal, and emergency response vehicles. The access roads would be maintained in such condition to allow for the safe passage of emergency response vehicles.

During Project operations, unimpeded access throughout the Development Site would be maintained by ensuring that vehicles would not be parked or placed in a manner that would impede access for

emergency response vehicles. The access roads would be maintained in such condition to allow for the safe passage of emergency response vehicles. the Development Project would include improvements to the existing roadway network and development of an internal roadway network consistent with City design standards. Overall, the Development Project would provide adequate access and signage for patrons, workers, and emergency access personnel. (EIR Section 4.17.6.5).

3.17 UTILITIES AND SERVICE SYSTEMS

Project impacts for CEQA Utilities and Service Systems do not result in significant impacts and findings are discussed below.

3.17.1 Threshold 4.19.1

Impact Statement: The Development Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Findings

Potential impacts of the Development Project related Threshold 4.19.1 are discussed in detail in Section 4.19.6.1 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.1; therefore, no mitigation is required.

Substantial Evidence

Water. The Development Project would not necessitate new or expanded water facilities, and the City would be able to accommodate the increased demand for potable water from existing supplies and infrastructure. While the City of Banning does not currently have a supply of recycled water available to users in the City, it anticipates implementing upgrades at the City's wastewater treatment plant that would meet tertiary treatment standards to supply recycled water for outdoor irrigated use. Accordingly, the Development Project would include internal infrastructure to connect to recycled water lines that currently exist in Sunset Avenue (24-inch diameter) from Lincoln Street to the future SLB Extension and in the future SLB Extension (24-inch diameter) itself, and would install four recycled water lines in adjacent streets to connect the Development Project to recycled water infrastructure. (Draft EIR Section 4.19.6.1). Given that the Development Project would comply with the City of Banning's standard requirements for facility planning and that adequate water distribution facilities would exist to serve the Development Site, the Development Project would not require the relocation or construction of new or expanded potable or recycled water facilities beyond the improvements detailed above. As required by the City of all development that connects to the City's potable water supply, Water Development Impact Fees, as required by Regulatory Compliance Measure UT-1 (RCM UT-1) (Draft EIR Section 4.19.6.1)) would be required to be paid to the City prior to certificate of occupancy issuance by the City on the Development Site. Impacts would be less than significant, and no mitigation measures are required. (Draft EIR section 4.19.6.1)

Wastewater. As the Development Site is currently vacant, uses developed as part of the Development Project would increase wastewater generation. On-site infrastructure would be required for the Development Site to be completed. The Banning Wastewater Reclamation Facility (WRF) is currently

operating at 57.1 percent of its daily intake capacity. As wastewater conveyance infrastructure already exists in the SLB Extension and along PAs 12 and 14, installation of wastewater conveyance infrastructure is required to be constructed to connect the Development Project with existing City conveyance infrastructure. (Draft EIR Section 4.19.6.1). Sanitary services during construction would be provided by portable restroom facilities, which transport waste off site for treatment and disposal. Therefore, during construction, potential impacts to wastewater treatment and wastewater conveyance infrastructure would be less than significant, and no mitigation measures are required. Industrial and General Commercial uses would be developed as part of the Development Project. The Development Project would result in an increase in wastewater generation during operation. The estimated increase in wastewater associated with the buildout of the Development Project would represent 23.5 percent of the Banning WRF's remaining daily intake capacity. The increase in wastewater generated by the uses associated with the Development Project can be accommodated within the existing design capacity of the Banning WRF. Therefore, the Development Project would not require, nor would it result in, the construction of new wastewater treatment or collection facilities or the expansion of existing facilities other than those facilities to be constructed on the Development Site. (Draft EIR section 4.19.6.1)

Stormwater Infrastructure. Buildout of the Development Project would substantially increase impervious surfaces on the site with street, access drives, paved parking areas, and building footprints (including the reverse osmosis facility). Landscaped slopes, undeveloped open space, open space occupied by a park, landscaped parking medians, and landscaped areas around buildings would be incorporated into each PA of the Development Project to reduce the overall number of impervious surfaces. To accommodate the increase in stormwater flows generated by the Development Project, the Development Site has been segmented into 13 Drainage Management Areas. The Development Project would include the installation of storm drainpipes, reinforced concrete pipes (RCP) ranging in size from 12 inches to 42 inches in diameter, and 15 on-site Water Quality Management Plan basins (stormwater basins) where stormwater from the uses on the site would be stored before flowing off site into downstream stormwater receivers. Two 10-foot by 100-foot reinforced concrete box (RCB) culverts would be developed for the Lincoln Street crossings of the Pershing Wash and Smith Creek drainages. The drainage system would route the runoff from the proposed impervious surfaces to the 15 on-site stormwater basins for treatment and peak flow mitigation for their respective tributaries via RCP facilities. Per City of Banning Ordinance #1415, the Development Project is required to retain 100 percent of a 100-year, 3-hour storm event. The 100-year, 3-hour flood volume anticipated to be generated by the Development Project totals 2,797,246 cubic feet (ft_3), and the on-site stormwater system includes development of basins with a total volume of 5,193,324 ft_3. As such, the Development Project would incorporate an adequate on-site stormwater infrastructure system. Overall, the peak discharge of stormwater generated by the Development Project would not adversely affect the capacity of downstream networks, and construction or expansion of off-site stormwater drainage facilities would not be required. Therefore, impacts to stormwater infrastructure would be less than significant, and no mitigation would be required. (Draft EIR section 4.19.6.1)

Electricity Infrastructure. Construction would require energy for the manufacture and transportation of building materials, preparation of the site for grading activities, utility installation, paving, and building construction and architectural coating. Energy required for these activities would be supplied either through petroleum fuels (e.g., diesel and gasoline for on-site generation) or the extension of

power to the Development Site from existing electrical systems. Due to the limited duration (estimated at 51 months) and phased nature of construction, the amount of electricity required is not anticipated to exceed that required during Project operation. The Development Project operations would require 25,570,405 kilowatt-hours (kWh) (or 25.570 GWh) of electricity per year. As total electricity consumption in the BEU service area in 2022 was 151.5 GWh, the Development Project electric demand represents approximately 16.9 percent of existing electricity consumption within the BEU service area and 0.14 percent of current electrical demand in Riverside County. Approximately 1 acre within the Development Site, at the northwest corner of Planning Area, has been identified by the BEU as a potential site for development of an electric substation to be developed by the BEU to support projected long-term growth anticipated by the City's existing General Plan. The extension of electrical infrastructure to/through the Development Site and individual buildings (including any future electrical substation or battery storage use) would conform to applicable design, construction, and maintenance requirements established by the BEU. As the Development Project would not increase demand on electrical systems beyond existing network capacity; a less than significant impact would occur. (Draft EIR section 4.19.6.1)

Natural Gas Infrastructure. A natural gas pipeline crosses the northern half of the Development Site and is marked by signs and exposed where the pipeline crosses the natural drainages that exist on the site. Natural gas distribution services would be extended through all on-site streets and surface parking lots to which the Development Project would connect. The applicant would be responsible for construction connections to these distribution facilities and the backbone distribution systems for the Development Project. Construction activities would not impact natural gas services, and the Development Project would not require new or physically altered gas transmission facilities. Operation of the uses on the Development Site would result in increased demand for natural gas. Because the Development Project would only represent a small fraction of natural gas demand in Riverside County, the uses of the Development Project would exceed Title 24 requirements, and there would be sufficient natural gas supplies available. As such, natural gas demand for the Development Project at buildout would be less than significant. No mitigation would be required. (Draft EIR section 4.19.6.1)

Telecommunications. Telephone, cable, and internet services are located along the perimeter of the Development Site and would be extended into the site. Additionally, cable box locations would be carefully planned and coordinated with utility providers and the landscape architect to be unobtrusive and screened from public view where possible. Impacts associated with the relocation or construction of new or expanded telecommunication facilities would be less than significant, and no mitigation measures would be required. (EIR Section 4.19.6.1)

3.17.2 Threshold 4.19.2

Impact Statement: The Development Project would have sufficient water supplies available to serve the Development Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Findings

Potential impacts of the Development Project related Threshold 4.19.2 are discussed in detail in Section 4.19.6.2 of the EIR. The City finds that the City has a sufficient water supply to serve the

Development Project and reasonably foreseeable future development during normal, dry, and multiple dry years and that development of the Development Project will result in less than significant impacts related to Threshold 4.19.2; therefore, no mitigation is required.

Substantial Evidence

The Development Project, at buildout, would demand approximately 949,600 gallons of water per day or 1,060 acre-feet of water annually. According to the City's *2020 Urban Water Management Plan* and the *Water Supply Assessment* prepared for the Development Project, the City has projected a water surplus during normal, dry, and multiple-dry years through 2045. The increase in potable water demand as a result of Development Project buildout (1,060 acre-feet/year) would represent a small portion (1.89 percent[3]) of the City's protected water supply in 2025 under the worst-case scenario. Under the worst case condition (2045, multiple dry year), adequate water supplies still exist to serve the Development Project and the water demand for population/land use forecast in the UWMP; the Development Project would not necessitate new or expanded water facilities, and the City would be able to accommodate the increased demand for potable water. In addition, in 2022, SGPWA entered into a 20-year Agreement with the City of San Buenaventura (Ventura) and the Casitas Municipal Water District (Casitas). Together, the City of Ventura and the Casitas Municipal Water District have a combined Table A water allocation of 20,000 acre-feet. Ventura and Casitas do not plan to take direct delivery of their respective Table A water. The Ventura Water Agreement allows SGPWA to purchase water from Ventura and Casitas through its contractual arrangement. Of the 20,000 acre-feet total Table A allocation, the agreement allows for SGPWA to receive up to 10,000 acre-feet in addition to the existing 17,300 acre-feet Table A allocation for SGPWA. The City can expect to receive additional water from SGPWA because of its contract with Ventura. This additional water will increase the amount of water that the City has available for groundwater recharge and will be able to extract from storage for future use. As the City would have sufficient water supplies available to serve the Development Project and existing and reasonably foreseeable and planned future development during normal, dry, and multiple dry years, project impacts are less than significant. (EIR Section 4.19.6.2; Final EIR Section 4.19.3.1).

3.17.3 Threshold 4.19.3

Impact Statement: The Development Project would result in a determination by the wastewater treatment provider which serves or may serve the Development Project that it has adequate capacity to serve the Development Project's projected demand in addition to the provider's existing commitments.

Findings

Potential impacts of the Development Project related Threshold 4.19.3 are discussed in detail in Section 4.19.6.3 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.3; therefore, no mitigation is required.

[3] 1,060 acre-feet/year/56,298 acre-feet/year *100 = 1.89 percent.

Substantial Evidence

Development Project buildout would increase wastewater generation above and beyond what is currently being generated on the vacant land. The Development Project, once operational, is estimated to generate approximately 352,920 gallons of wastewater per day, which represents 23.5 percent of the Banning WRF's remaining daily intake capacity. With existing wastewater flows and Development Project wastewater flows, the WRF would continue to operate below its daily intake capacity without improvements to the existing WRF or development of a new WRF in the City. Impacts would therefore be less than significant, and no mitigation measures are required. (EIR Section 4.19.6.3).

3.17.4 Threshold 4.19.4

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Development Project related Threshold 4.19.4 are discussed in detail in Section 4.19.6.4 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.4; therefore, no mitigation is required.

Substantial Evidence

The City of Banning contracts with Waste Management, Inc. for solid waste collection service from residential, commercial, and industrial uses within the City limits. Solid waste collected in the City is disposed of at three landfills serving the City: Badlands Sanitary Landfill, Lamb Canyon Sanitary Landfill, and El Sobrante Landfill. As the Development Site is vacant, solid waste generation due to demolition of existing structures would not occur. However, construction of the Development Project would still have the potential to generate nominal amounts of solid waste which would either be recycled or disposed of at one of the local three landfills serving the City. The amount of daily waste generated during construction is less than that occurring during operation of the proposed uses at Project buildout. Once operational and built-out, the Development Project would generate more solid waste than what is being generated under existing conditions. Based on solid waste generation rates gathered from CalRecycle, the Development Project is estimated to generate 29,317 pounds of solid waste per day or 14.66 tons of solid waste per day once operational. However, this is a worst case scenario and represents 0.1466 percent of the daily maximum combined intake of the three landfills serving the Development Site or 0.000038 percent of the remaining combined capacity of the three landfills serving the Development Site. Consistent with State diversion rate goals, the Development Project would implement a diversion rate of 75 percent of the solid waste generated daily once operational, and is anticipated to divert 10.995 tons of solid waste daily for recycling. The Development Project would therefore be served by three landfills with sufficient permitted capacity to accommodate its solid waste disposal needs during construction and operation of the proposed on-site uses and would attain state solid waste reduction goals. (EIR Section 4.19.6.4).

3.17.5 Threshold 4.19.5

Impact Statement: The Development Project would comply with federal, state, and local management and reduction statutes and regulations to solid waste.

Findings

Potential impacts of the Development Project related Threshold 4.19.5 are discussed in detail in Section 4.19.6.5 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.19.5; therefore, no mitigation is required.

Substantial Evidence

The state's focus of solid waste management from landfill to diversion strategies such as source reduction, recycling, and composting. The current diversion requirement is 75 percent of solid waste generated. The Development Project would generate 29,317 pounds of solid waste per day or 14.66 tons of solid waste per day once operational. The Development Project is anticipated to divert 10.995 tons of solid waste daily for recycling. The Development Project would implement a diversion rate of 75 percent of the solid waste generated daily; therefore, up to 7,330 pounds (or 3.665 tons) would be transported to area landfills daily (1,338 tons per year). To comply with State requirements to reduce the volume of solid waste through recycling and reuse of solid waste, the City's per capita disposal rate must meet the target established by CalRecycle of 6.1 pounds/person/day for residents and 30.4 pounds/person/day for employees. The City currently meets this target. The Development Project would add 5,993 new jobs; therefore, with a daily waste generation rate of 7,330 pounds per day for 5,993 employees, the Development Project employee disposal rate would decrease to 13.4 pounds/person/day. Therefore, the Development Project would comply with federal, State, and local statutes and regulations related to solid waste. (EIR Section 4.19.6.5).

3.18 WILDFIRE

Project impacts for CEQA Wildfire do not result in significant impacts and findings are discussed below.

3.18.1 Threshold 4.20.1

Impact Statement: The Development Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Findings

Potential impacts of the Development Project related Threshold 4.20.1 are discussed in detail in Section 4.20.6.1 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.1; therefore, no mitigation is required.

Substantial Evidence

According to the Banning General Plan Emergency Preparedness Element, the City does not have established evacuation routes, although depending on the location and extent of an emergency, major surface streets would be utilized to route traffic through the City onto Interstate 10 to exit the region. A Fire Protection Plan (FPP) has been prepared for the Development Site to evaluate and

identify the potential fire risk associated with the Development Project's land uses and to identify requirements for water supply, fuel modification and defensible space, access, building ignition and fire resistance, and fire protection systems, among other pertinent fire protection criteria.

During construction, all large construction vehicles entering and exiting the Development Site would be guided by personnel using signs and flags to direct traffic. The Development Site does not include any characteristics that would physically impair or otherwise interfere with emergency response or evacuation in its vicinity. Construction of the Development Project may require temporary lane closures on Sunset Avenue, Highland Home Road, and Bobcat Road to allow for utility connections.

Temporary closures may also occur on Sunset Avenue between Interstate 10 and Lincoln Street, Sunset Avenue between Lincoln Street and Bobcat Road, Lincoln Street, Bobcat Road, and Highland Home Road due to improvements to the surrounding circulation system. These temporary lane closures/road closures would be implemented with the recommendation of the *California Temporary Traffic Control Handbook,* which, among other things, recommends early coordination with affected agencies to ensure that emergency vehicle access is maintained. Police protection services within the City are provided by the Banning Police Department and fire protection services are provided through a contractual agreement with the RCFD, which in turn contracts with CAL FIRE. The City and/or fire protection authority may identify requirements to maintain necessary access by law enforcement providers through evacuation (as necessary) from construction zones. Requirements may include (but would not be limited to): advance notification to motorists and emergency service providers; identification or installation of appropriate detour/access routes; use of signage, traffic control features, or flag persons during construction activities to facilitate access; restrictions on the duration/timing of construction activities; and/or scheduling/phasing of construction activities to avoid/minimize changes in public access. The Development Project would implement the necessary provisions identified by the City and emergency service providers to maintain access to and through the Development Site. (See substantial evidence for Threshold 4.15.1). In this manner, officials would be able to plan and respond appropriately to direct the public away from Sunset Avenue, Lincoln Street, Bobcat Road, and Highland Home Road, as appropriate, in the event of an emergency requiring evacuation. Therefore, because the Development Project would involve early coordination with affected agencies and emergency service personnel. Temporary lane closures/road closures would be implemented with the recommendation of the California Temporary Traffic Control Handbook, which, among other things, recommends early coordination with affected agencies to ensure that emergency vehicle access is maintained. Because the Development Project would involve early coordination with affected agencies and emergency service personnel, the Development Project would not substantially impair an adopted emergency response plan or emergency evacuation plan during construction activities.

According to the Traffic Impact Report, the operation of the Development Project is not anticipated to result in any substantial queuing along Sunset Avenue, Bobcat Road, Highland Home Road, or other nearby roads. The City of Banning General Plan, as indicated above, has not established evacuation routes within the City; however, all roads within the City could be used as evacuation routes in the event of an emergency. For the Development Site, the main corridor utilized would be Sunset Avenue. The Development Project would provide general and emergency access via Sunset Avenue. Sunset Avenue provides access to the Development Site via "Street A," Lincoln Street, and the SLB Extension.

All roadways and structures within the Development Site would be developed in accordance with City and RCFD emergency access standards. The Development Project would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Development Site for emergency vehicles. The Fuel Modification Plan (FMP) for the Development Project would be implemented to provide greater protection to buildings and occupants of the Development Project and to reduce risk of fires. The FPP and FMP prepared specifically for the Development Project would conform to City and RCFD standards and facilitate effective emergency response and operation. Regulatory Compliance Measure (RCM) Fire-1 (Draft EIR Section 4.20.6.1) requires the Development Project to implement and adhere to the FPP and its wildfire reduction measures. Therefore, construction and operation of the Development Project would not physically interfere with or impair an adopted emergency response or emergency evacuation plan. (EIR Section 4.20.6.1).

3.18.2 Threshold 4.20.2

Impact Statement: The Development Project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Findings

Potential impacts of the Development Project related Threshold 4.20.2 are discussed in detail in Section 4.20.6.2 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.2; therefore, no mitigation is required.

Substantial Evidence

Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread up-slope and slower fire spread down-slope in the absence of wind. The Development Site is on relatively flat undeveloped parcels with several seasonal natural drainages that drain to Smith Creek, which traverses the western portion of the Development Site, and eventually drain to the San Gorgonio and Whitewater Rivers. Fires can be an issue in the City and County during summer and fall, before the rainy period, especially during dry Santa Ana wind events. The seasonal Santa Ana winds can be particularly strong in the Development Site area. Santa Ana winds may gust up to 75 mph or higher thereby drying out and preheating vegetation as well as accelerating oxygen supply, and thereby making possible the burning of fuels that otherwise might not burn under cooler, moister conditions.

Wildfires may potentially occur in open space areas adjacent to the Development Site, or in on-site undeveloped open space. Under existing conditions, the Development Site includes numerous potential fire hazards, including unmaintained, fire-prone vegetation. The types of potential ignition sources that currently exist in the surrounding area include vehicles, residential neighborhoods, as well as arson. The existing physical condition poses as a challenge for fire protection to the surrounding communities because of grassland fuels, Santa Ana winds, high temperatures, and/or firefighter exposure. The Development Project would include conversion of approximately 80 percent of the Development Site to maintained urban development with designated landscaping and FMZs (a strip of land where combustible vegetation has been removed and/or modified and partially or totally

replaced with more adequately spaced, drought-tolerant, fire-resistant plants to provide a reasonable level of protection to structures from wildland and vegetation fires).

The Development Project would introduce new potential ignition sources in the form of building materials (e.g., wood and stucco), vegetation for landscaping, vehicles, and small machinery (e.g., for typical commercial and landscape maintenance), but would also result in a large area separating ignition sources from native fuels as well as the conversion of existing ignitable fuels to maintained landscapes that are ignition resistant. Therefore, the Development Site would function as a fuel reduction area by helping create context-sensitive development and a new first-fuel break line of defensible space. The Development Project proposes FMZs ranging from a minimum of 100 feet to 200 feet, twice the required distance, or provides alternative measures to meet the intent of the FMZ requirement. In addition, the Development Project is required to implement regulatory compliance measures set forth in RCM FIRE-1 which would require compliance with the regulations of the most recently adopted CFC and CBC to avoid potential impacts from the Development Site's potential to exacerbate wildfire risks, and thereby reduce exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. (EIR Section 4.20.6.2).

3.18.3 Threshold 4.20.3

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Development Project related Threshold 4.20.3 are discussed in detail in Section 4.20.6.3 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.3; therefore, no mitigation is required.

Substantial Evidence

Utility and infrastructure improvements included as part of the Development Project are discussed in Chapter 3.0 and analyzed in Section 4.19 of this EIR. Potable, recycled water, and wastewater infrastructure would be installed on the Development Site and improvements to existing infrastructure in surrounding roads would occur. Existing overhead power lines surrounding the Development Site would be undergrounded and connected to buildings developed as a part of the Development Project. The Development Project would include a new internal circulation system and would also include improvements to surrounding roads. None of these features would exacerbate fire risk or result in temporary or ongoing impacts to the environment. Although utilities, including water facilities, sewer facilities, storm drain lines, and power lines, would be modified and/or extended throughout the Development Site, these improvements would be underground and would not exacerbate fire risk.

The installation of on-site utilities, on-site circulation system, and off-site road improvements would not exacerbate fire risk due to the Development Site's location in an urban area outside of a designated fire hazard zone. The Development Site is not located in an area statutorily designated as

a Moderate, High, or Very High Fire Hazard Severity Zone by CAL FIRE or Riverside County. The Northern Portion of the Development Site is accurately designated as LRA Non-VHFHSZ, while the Southern Portion of the Development Site is designated SRA Non-FHSZ.

The proposed electrical substation would be developed and operated by the City in compliance with regulations set forth by Cal/OSHA and the National Electrical Safety Code (NESC). The reverse osmosis facility and potable water reservoir would be developed and operated by the City in compliance with standards as set forth by the City of Banning Water and Wastewater Department. These facilities would be remotely operated and monitored and include fire suppression features (i.e., sprinklers, defensive space, and fire alarms) that would reduce the exacerbation for fire risk. The location of the electrical substation, in an industrial use area of the Development Site, would also reduce the risk of wildfire exacerbation as this facility would not be located in Open Space areas occupied by natural vegetation. A short stretch of transmission line (0.9 mile long), currently located in an open area south of the I-10 Freeway between Sunset Avenue and South Highland Home Road, is identified as an area of Tier 2 threat (areas of elevated risk for destructive utility-associated fires). However, Banning Electric Utility (BEU) meets or exceeds the minimum industry standard management practices for safety. Implementation of the City-sponsored public infrastructure and facilities on the Development Site would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. The City-sponsored infrastructure and facilities will be constructed, operated, and maintained pursuant to required fire protection requirements for utility facilities, and the potential for increased fire risk from these facilities would be less than significant. (EIR Section 4.20.6.3).

3.18.4 Threshold 4.20.4

Impact Statement: The Development Project would not 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.

Findings

Potential impacts of the Development Project related Threshold 4.20.4 are discussed in detail in Section 4.20.6.4 of the EIR. The City finds that development of the Development Project will result in less than significant impacts related to Threshold 4.20.4; therefore, no mitigation is required.

Substantial Evidence

After a wildfire passes through an area, post-fire hazards can occur based on conditions of the topography and susceptibility to flooding. Post-fire landslide hazards include fast-moving, highly destructive debris flows that can occur in the years immediately after wildfires in response to high intensity rainfall events.

The Development Site is situated on a relatively flat undeveloped area with several seasonal natural drainages that drain to Smith Creek, which traverses the western portion of the Development Site, and eventually to the San Gorgonio and Whitewater Rivers. The topography surrounding the Development Site is also relatively flat. According to the California Department of Conservation, no landslides have been inventoried on or adjacent to the Development Site; however, the Development Site is susceptible to deep-seated landslides which would not be susceptible to immediate impact

from wildfires. The Development Project would be required to comply with the measures of the approved FPP and FMP. In the extremely unlikely event that a wildfire should spread to the Development Site, it would not expose any on-site slopes to erosion and potential failure because the Development Site does not contain any steep slopes that are prone to landslide.

The Development Site is located on FIRM Panel 06065C0816G and portions of the Development Site are designated as Flood Zone A based on the existing natural drainages that cross the Development Site. A fire north of the Development Site could trigger increased downstream sediment movement, which could raise the elevation of potential flooding along the natural drainages in the Development Site. The design of the Development Project considers such events and would be developed in accordance with standards and Best Management Practices (BMPs) that would reduce flooding and post-fire flows (Refer to Section 4.10.4 of the Draft EIR for regulatory discussion regarding flood, and Section 4.10.6.3 of the Draft EIR for discussion on Development Project-specific regulatory compliance measures (RCMs) and best management practices (BMPs) regarding flood) and would adhere to the FPP and FMP approved by the City and RCFD. Compliance with these plans would reduce the likelihood of urban conflagration on the Development Site in the unlikely event of a wildfire.

In the unlikely event that a wildfire should spread to the Development Site, it is not expected that the Development Project would contribute any additional runoff or sedimentation to the on-site natural drainages or other downstream drainages. This is due to the lack of steep slopes prone to landslide or erosion on the Development Site, and the fact that the drainage improvements would remain intact after a major wildfire, allowing them to continue to reduce the potential for flooding conditions in downstream storm drain facilities. Therefore, downslope, or downstream flooding as a result of runoff, post-fire slope instability, or drainage changes are unlikely to expose occupants or structures on the Development Site to significant risks. (EIR Section 4.20.6.4).

4.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City finds that the following potential impacts associated with the implementation of the Development Project are less than significant with the imposition of mitigation measures.

4.1 BIOLOGICAL RESOURCES

Project impacts for CEQA Biological Resources Thresholds 4.4.1, 4.4.2, 4.4.5, and 4.4.6 do not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.1.1 Threshold 4.4.1

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

Findings

Potential impacts of the Development Project related to Threshold 4.4.1 are discussed in detail in Section 4.4.6.1 of the Draft EIR and Final EIR. The City finds that mitigation measures MM BIO-1 through BIO-16 are feasible, adopted, and would reduce impacts to less than significant levels.

Substantial Evidence

A number of criteria, sensitive, or special-status plant and animal species have the potential to occur on the Development Site. Burrowing owl and Los Angeles pocket mouse have been observed on the Development Site, and sensitive fairy shrimp species, Marvin's (Yucaipa) onion, and many stemmed dudleya have been observed and documented in the vicinity of the Development Site, though not on the Development Site. No other criteria, sensitive, or special-status species identified in local or regional plans, policies, or regulations, or identified by the CDFW or USFWS have been identified on the Development Site. Other special-status plant species identified in the General Plan as having potential to occur in the vicinity of the Development Site were not observed during surveys and were determined to be unlikely to occur due to habitat conditions at the Development Site.

The Development Site is located within the boundaries of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is mapped within an MSHCP Burrowing Owl Survey Area. The habitat on the Development Site has been altered due to agricultural operations and regular disking, therefore, a majority of the vegetation communities present on site are disturbed. Construction at the Development Site would permanently impact the occupied colony, resulting in a direct impact to the colony. During construction, noise, dust, and vibration would directly impact the known colony on the southeast portion of the Development Site. Additional surveys, including pre-construction surveys, would need to be conducted to determine occupancy of the known colony and identify active or passive relocation sites either on the Development Site or at the adjacent MSJC Site. Impacts would be minimized and mitigated through mitigation measures MM BIO-7 and MM BIO-8 approved by the appropriate agencies as identified below.

Results of surveys identified only the common versatile fairy shrimp, which is not State or federally listed as threatened or endangered, nor is it a special-status species. Therefore, no impacts would occur to listed fairy shrimp species or species identified and covered by the MSHCP, and no mitigation or avoidance is required.

Los Angeles pocket mouse were detected at drainages within the Development Site during the 2002 and 2005 surveys, and again during surveys conducted in 2020 in limited upland areas of the Development Site. With the exception of 40.5 acres of drainages and their immediately adjacent uplands (Open Space – Resource), MSHCP designated Los Angeles pocket mouse habitat on the Development Site would be directly affected by the Development Project, including all areas where LAPM populations were identified during the 2020 surveys. These effects will be reduced through mitigation measures MM BIO-1 through MM BIO-6, MM BIO 9, and MM BIO-12.

While upland habitat throughout the Development Site will be permanently and irreversibly impacted by the Development Project, as discussed above, no candidate or sensitive species occur in these areas. Burrowing owl and Los Angeles pocket mouse are both designated as species of concern by CDFW and are known to occur in these areas. No federally or State listed endangered or threatened species or special-status plant or amphibian species occur within the Development Site. No special-status fairy shrimp species occur within the Development Site, though the common versatile fairy shrimp does occur in seasonal pooling locations throughout the Development Site. As a result, no impacts with respect to these categories of species would occur. However, as discussed below, both the burrowing owl and LAPM are California Species of Concern. Mitigation measures MM BIO-1 through MM BIO-16 would reduce potential impacts to candidate, sensitive, or special-status species present on the Development Site through habitat preservation or enhancement, active or passive relocation, and compliance with the DBESP regulations and MSHCP BMPs. Along with these mitigation measures, impacts to burrowing owl and LAPM would be further reduced through the permanent conservation of riparian/riverine lands on site (7.92 of 8.99 acres) as well as a surrounding upland area buffer of approximately 32.58 acres. To mitigate for the permanent impacts to 1.07 acres of riparian/riverine areas on the Development Site, 3.21 acres of on-site riparian habitat would be enhanced or restored (a 3:1 ratio). (EIR Section 4.4.6.1).

Mitigation Measures

Based upon the analysis presented in Section 4.4, Biological Resources of the Draft EIR, which is incorporated herein by reference, the following mitigation measures are feasible and are made binding through the MMRP. Imposition of these mitigation measures will reduce potentially significant impacts to less than significant:

MM BIO-1 **Construction Guidelines.** Construction activities will follow the Construction Guidelines found in Volume 1, Section 7.5.3 of the MSHCP.

MM BIO-2 **Equipment Staging.** Equipment and vehicle storage, fueling, and material staging and storage will be in previously paved or previously disturbed, upland areas with no risk of direct drainage into riparian/riverine areas or other sensitive habitats. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into riparian/riverine areas. Development Project related spills of hazardous

materials shall be reported to appropriate entities and shall be cleaned up immediately with contaminated soils removed to approved disposal areas.

MM BIO-3 **Worker Environmental Awareness Program (WEAP).** A qualified biologist will present to each Development Site employee a worker environmental awareness training prior to the initiation of work. They will be advised of the riparian/riverine resources and any other sensitive environmental resources in the Development Project area, the steps to avoid impacts to such, and the potential penalties for violating those steps. At a minimum, the program will include the following topics: occurrence of the sensitive biological resources in the Development Project area and their general ecology, sensitivity of such to human activities, legal protection afforded these species, penalties for violations, reporting requirements, and Development Project features designed to reduce the impact area. A sign-in sheet will be utilized to identify all workers that have completed the WEAP training. If additional employees are added to the Development Project after the initiation, they will receive instruction prior to working on the Development Project. They will also need to sign the sign-in sheet to provide proof of completion. For some projects with numerous contractors entering the project at different stages of the project, the WEAP training can be video-taped and shown to additional workers rather than completing the training in person.

MM BIO-4 **Materials and Spoils Control.** Development Project materials will not be cast from the Development Site, and Development Project related debris, spoils, and trash will be contained daily and removed to a proper disposal facility.

MM BIO-5 **Vehicle Washing.** It will be required in the Development Project specification that the contractor will wash equipment prior to entering the vicinity of areas to be conserved. This will reduce the potential for introduction of non-native plant, animal, viral, or bacterial species to the areas that will otherwise be undisturbed. All vehicles shall be washed at a distance that would remove the likelihood of run-off from entering any adjacent riverine/riparian areas.

MM BIO-6 **MSHCP Best Management Practices (BMPs).** Development Project activities will be in compliance with BMPs, as applicable, detailed in MSHCP *Volume 1, Section 7.5.3,* and *Appendix C* of the MSHCP. The Project Determination of Biologically Equivalent or Superior Preservation (DBESP) would provide regulations consistent with the MSHCP BMPs, and the Development Project shall comply with all DBESP regulations.

MM BIO-7 **Burrowing Owl Impacts.** To avoid direct and indirect impacts to burrowing owl, a pre-construction survey shall be conducted in areas to be disturbed by a qualified biologist within 30 days prior to ground disturbance at the Development Site and submitted to the City. If construction activities occur during the breeding season (February 1 through August 31) and burrowing owl is determined to be present within any portion of the study area during the pre-construction survey, consultation with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) shall take place, and no construction activity shall take place within a 300-foot buffer zone. This buffer area may be reduced at the discretion of the

biological monitor in consultation with CDFW and/or USFWS, until it has been determined that the nest/burrow is no longer active and all juveniles have fledged the nest/burrow.

To avoid active nests, no grading or heavy equipment activity shall take place in the buffer zone during the breeding season (February 1 through August 31). If construction activities cannot avoid the nesting season and an occupied burrow is identified in a proposed development area, the burrows shall be avoided or the owls passively relocated. A Burrowing Owl Protection and Relocation Plan will be required and is included under **MM BIO-8**.

MM BIO-8 **Burrowing Owl Protection and Relocation Plan.** Within 90 days of the commencement of grading, a Burrowing Owl Protection and Relocation Plan would be drafted and reviewed by CDFW to ensure MSHCP guidelines for protection and/or relocation are followed. As part of that plan, one-way doors shall be installed as part of a passive relocation program. Burrowing owl burrows shall be hand-excavated by a qualified biologist when determined to be unoccupied and backfilled to ensure animals do not re-enter. Disturbance to active burrows shall be minimized to the extent feasible.

If three or more pairs of burrowing owl are identified, MSHCP guidelines require additional conservation land be set aside to off-set the significant impacts to burrowing owl in a project site outside of a cell criteria area. In all scenarios, including the detection of additional burrowing owls, mitigation and equivalency will be achieved through the Development Project following all MSHCP guidelines and the direction of the Environmental Programs Department, Western Riverside County Regional Conservation Authority, and/or the Wildlife Agencies.

MM BIO-9 **Los Angeles Pocket Mouse.** Prior to commencement of grading, nighttime trapping surveys will occur in areas within the known habitat and other areas providing the key constituent habitat elements based on historical surveys and those conducted for the Development Project, in riparian areas (the three identified drainage features) and adjacent upland habitat that will be permanently impacted by the Development Project. An exclusion fence will be installed along the perimeter of the construction footprint associated with the drainage crossings. Trapping and relocation of LAPM shall be performed immediately prior to grading or other construction on the Development Site within areas known to be occupied by LAPM within the existing drainage features and/or uplands. Where new roads cross the riparian corridors, undercrossings suitable for safe passage of wildlife will be constructed. The exclusion fencing will be monitored through construction activities within suitable habitat to ensure animals do not return.

Restoration of a total of 3.21 acres of Development Site riparian habitat may bring project related impacts to a level that allows for 90 percent conservation of suitable habitat within the Development Site. Mitigation and equivalency may be achieved through the conservation of 7.92 of 8.99 acres of riparian/riverine lands on the

Development Site as well as a surrounding buffer of approximately 32.58 acres, including the use of a deed restriction and/or conservation easement (see **MM BIO-15** below). As part of the restoration effort, all non-native invasive species, such as tamarisk, arundo, and pampas grass, will be removed prior to any seeding or planting of native species.

MM BIO-10 Prior to issuance of construction permits, a conservation easement will be applied to upland conservation areas adjacent to drainages. During construction and operation, light pollution into the conservation areas will be reduced by shielding light sources and aiming them only into active construction areas during construction, and focused on parking, and commercial areas during operation where lighting is needed. If unforeseen circumstances were to arise that required hazard reduction within an area considered environmentally sensitive or a part of the MSHCP Conservation Area, such as lands proposed for conservation on the Development Site, it would require approval from the appropriate agencies prior to any vegetation management activities. These could include, but are not limited to, the Western Riverside County Regional Conservation Authority (WRCRCA), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACE).

MM BIO-11 Upland conservation areas, adjacent to the existing drainages, within the Development Project will be avoided during construction and operation. Light sources during construction and operation will be angled and shielded to avoid light pollution into drainages and adjacent upland conservation areas.

MM BIO-12 During construction, upland conservation areas will be fenced to prevent personnel and construction equipment from entering the conservation areas. Standard construction fencing will be sufficient to prevent personnel and equipment from entering the conservation areas.

MM BIO-13 Mitigation for impacts to Riparian/Riverine areas covered under the MSHCP would be achieved by conserving all remaining riparian/riverine lands on the Project Site (7.92 of 8.99-acres) as well as a surrounding buffer of approximately 32.58-acres. These areas will be preserved in perpetuity through the use of a deed restriction and/or conservation easement as further described in MM BIO-15. To mitigate for Project impacts to 1.07-acre of riparian/riverine, a minimum of 3.21-acres of Project Site riparian habitat will be enhanced and restored (a 3:1 ratio for permanent impacts), with riparian habitat spread throughout all three features within the Project Site, for compliance with the requirements of the MSHCP. Non-native invasive species will be removed (enhancement) and native riparian species will be planted (restored) which will increase the function and value of the currently disturbed drainage features following mitigation. In the event that land on the Project Site cannot be conserved, then the applicant shall either (1) contribute land at a 3:1 ratio containing similar habitat and jurisdictional areas to the Reserve Assembly; or (2) make a fee payment to a mitigation bank pursuant to an in-lieu fee program at a 3:1 mitigation ratio.

MM BIO-14 If habitat mitigation on the Project Site or at land contributed by the applicant is the selected means of mitigation, then as part of the restoration effort, a Habitat Restoration and Monitoring Plan (HRMP) will be prepared by a qualified restoration consultant and will be reviewed and approved by the City prior to commencement of construction activities on the Project Site. The exact location of the proposed riparian restoration areas (whether on-site or off-site) will be provided to the City for review and approval. If off-site mitigation areas are selected, the applicant shall have control of the mitigation area prior to commencement of construction. However the off-site mitigation option is not anticipated at this time.

The HRMP shall provide a plan for removal of non-native invasive species (enhancement) and planting of native riparian species (restoration) which will increase the function and value of the currently disturbed drainage features following mitigation and will be designed to assure that installation of the proposed mitigation will result in an outcome that would be biologically equivalent or superior to an avoidance measure. The HRMP will include species information, success criteria and mapped location(s) for the proposed on-site riparian/riverine mitigation, and a habitat viability analysis for the proposed new areas of riparian vegetation and will also include:

- Removal of non-native invasive species, such as tamarisk (*Tamarix aphylla*), giant reed (*Arundo donax*), and castor bean (*Ricinus communis*);
- Removal of trash and debris associated with human disturbance will be removed.
- Planting of boxed riparian trees, container plantings, and hand broadcasting, with Riparian/Riverine species to be planted to match the existing riparian/riverine trees and include plant species such as Fremont cottonwood (*Populus fremontii*), Goodding's black willow, arroyo willow (*Salix lasiolepis*), and/or mule fat and, along the upland benches, planting of more upland species such as scale broom (*Lepidospartum squamatum*), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), brittlebush (*Encelia californi*ca), pinebush (*Ericameria pinifolia*), and deerweed (*Lotus scoparius*).
- Planting of plants with mycorrhizal fungi and root hormone to increase survivability. Following the installation of the plant material, mulch will be used at boxed trees and container plants for additional moisture and protection.
- Maintenance and monitoring for 5-years following the installation, to include:
    - Irrigation for the first three years, if feasible.
    - If instigated, removal of irrigation after year three to allow the plants to acclimate to existing climatic conditions during the last two years of monitoring, to ensure that the vegetation has long-term survivability.

- Monitoring by a qualified biologist quarterly for the first year, then annually for years two through five.
- A qualitative assessment will be completed by the qualified biologist and reported to the Wildlife Agencies, and will include Project Site specific photo locations and an aerial photograph (with drone) documenting vegetation progress.
- To determine if the restoration has been successful, minimum success criteria at the end of five years will be specified in the HRMP. If the minimum success criteria is not achieved, then the applicant shall be responsible for taking the appropriate corrective measures, as determined by a qualified restoration ecologist. Correction actions will continue until the success criteria have been met.

- A Weed Management Plan prepared by a qualified biologist and approved by CDFW will be prepared prior to commencing of grading on the Project Site setting forth best management practices (BMPs) to reduce the amount of non-native weedy species introduced into the Project during construction activities. The plan will focus on specific BMPs that will be used to reduce the risk of spreading non-native invasive seeds within the Project during construction, to include, but not limited to annual monitoring of sprouting vegetation in early spring, removing non-native invasive species, and utilizing water-wise native landscaping in the surrounding development areas. The purpose of the Weed Management Plan is to substantially reduce the potential for weeds to grow on-site and then monitor the Project Site and implement BMP so that weeds that do occur on-site can be removed before they go to seed.

MM BIO-15 A third-party conservation organization will be chosen to monitor and maintain all portions of the Development Site within the designated conservation area, as outlined in a conservation easement covering the drainage features and adjacent upland buffer zones adjacent to drainages. The conservation easement should be in place prior to or immediately following regulatory agency permits being issued. Additionally, any additional off-site land acquired for project mitigation, if any, will be incorporated into the managed land, with approval from relevant agencies such as the Western Riverside County Regional Conservation Authority, California Department of Fish and Wildlife, Regional Water Quality Control Board, and United States Fish and Wildlife Service. Although a designated organization has not been chosen, one will be selected and approved by the City before the project's implementation.

MM BIO-16 Sediment Transport and Scour Analysis: The Project proposes to construct concrete-lined box culverts at two drainage crossings on the Project Site. To avoid significant changes to downstream sediment transport and deposition, floodplain modification, and potential streambed aggradation or incision above and below each of the proposed stream crossings consistent with the Coachella Valley Multiple Species

Habitat Conservation Plan (CVMSHCP), the applicant shall prepare and submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval prior to construction of any drainage crossing on the Project Site. The sediment transport and scour analysis shall identify and compare pre- and post-crossing development of sediment transport and deposition, floodplain modification, and potential streambed aggradation and incision above or below each proposed drainage crossing to confirm that the Project would not have significant impacts on the CVMSHCP conservation sediment transport system strategy. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossing.

4.1.2 Threshold 4.4.2

Impact Statement: The Development Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Findings

Potential impacts of the Development Project related to Threshold 4.4.2 are discussed in detail in Section 4.4.6.2 of the EIR. The City finds that mitigation measures MM BIO-1 through MM BIO-6 and MM BIO 9 through MM BIO-16 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

Three main washes were identified within the Development Site that contained both bed and bank and an OHWM: Highland Wash, Pershing Creek, and Smith Creek. An unnamed ponded area in the southeast portion of the Development Site adjacent to Bobcat Road was also identified as containing jurisdictional waters. Under current Development Project design, approximately 7.92 of the approximately 8.99 acres of riparian habitat present on site would be preserved, as well as a surrounding buffer of approximately 32.58 acres. Approximately 1.07 acres of riparian habitat would be permanently impacted. Impacts to the drainages will be limited to road crossings. (EIR Section 4.4.6.2). Impacts to the drainages will be limited to road crossings. Implementation of Mitigation Measures MM BIO-1 through MM BIO-6 and Mitigation Measures MM BIO-9 through MM BIO-16, as well as compliance with applicable State and local policies and regulations as described in Section 4.4.4 above, would reduce impacts to less than significant.

Mitigation Measures

The Development Project would comply with all applicable local policies and regulations from the CDFW and USFWS. The Development Project as designed would preserve all habitat within the existing washes that cross the Development Site. As discussed, these wash habitats for candidate, sensitive, and special-status species would be preserved per mitigation measures MM BIO-10 through MM BIO-16. The City finds that implementation of mitigation measures MM BIO-1 through MM BIO-6 and MM BIO-10 through MM BIO-16 would reduce impacts to less than significant.

4.1.3 Threshold 4.4.5

Impact Statement: The Development Project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings

Potential impacts of the Development Project related to Threshold 4.4.5 are discussed in detail in Section 4.4.6.5 of the EIR. The City finds that mitigation measures MM BIO-1 through MM BIO-6 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The Development Site lies within the MSHCP boundaries. The City's General Plan policies and programs include compliance with regional conservation plans, including the MSHCP. The City of Banning's General Plan is the guiding document for development within the City. The General Plan designates open space land uses within the City. The Development Project as designed, with mitigation applied, would comply with all applicable policies and ordinances protecting biological resources. While there are no policies in the City of Banning related to biological resources or tree ordinances, the Development Project is required to comply with Specific Plan development standards and design guidelines for lighting. Low-level security lighting may be provided for the park, tot lot playground, trails, parking lot, and restrooms. The trails and parking lot may include bollard lighting while the tot lot playground and restrooms may include security lighting. As a project design feature, lighting on the Development Site shall adhere to the following Development Standards: lighting shall be limited to that necessary to light the project site; no lighting source shall be visible; or shall be permitted to spill over to adjacent properties; lighting shall not be permitted which blinks, flashes, or is of unusually high intensity or brightness; all lighting fixtures shall not have a visible light source and must be shielded and directed downward and away from adjoining properties and public rights-of-way; lighting in commercial and industrial projects should be only the minimum required for safety and security; light standards should be limited to eighteen to thirty-four feet; lighting should be integrated into the structure's architecture to the greatest extent possible (refer to Section 3.1 of Appendix B, Specific Plan). In parking areas, the Specific Plan requires that adequate illumination for security and safety be provided in all parking areas. Lighting shall be energy efficient. Any illumination, including security lighting, shall be shielded, with visibility of light source eliminated and directed away from adjoining properties and public rights of way (refer to Section 3.1 of Appendix B, Specific Plan). The Specific Plan's Outdoor Lighting Guidelines (refer to Section 4.3.9 of Appendix B, Specific Plan) also indicate that the Development Site would minimize glare and "spill over" light onto public streets, open space, Interstate-10 and adjacent properties by using downward-directed lights and/or cutoff devises on outdoor lighting fixtures, including spotlights, floodlights, electrical reflectors, and other

means of illumination for structures, parking, loading, unloading, and similar areas. As a project design feature, night lighting will be directed away from the conserved areas to protect species within the conserved areas from direct night lighting. Shielding shall be incorporated in the Development Project designs to ensure that ambient lighting in the conserved areas is not increased. As a result, no impacts would occur.

Planning Area 12 contains 12.3 acres along the western portion of the Development Site intended to provide a buffer between the existing Sun Lakes Community to the west of the Development Site and the industrial development. This area may include soft trails and certain public facilities, but Planning Area 12 is not intended for mitigation purposes, and its development would not result in a conflict with any local policies or ordinances protecting biological resources. (EIR Section 4.4.6.5).

Mitigation Measures

Mitigation Measures MM BIO-1 through MM BIO-6 would ensure compliance with BMPs applicable policies and MSHCP guidelines to protect the three noted drainage features during construction and operation. Implementation of these mitigation measures would ensure the Development Project impacts are less than significant.

4.1.4 Threshold 4.4.6

Impact Statement: The Development Project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings

Potential impacts of the Development Project related to Threshold 4.4.6 are discussed in detail in Section 4.4.6.6 of the EIR. The City finds that mitigation measures MM BIO-1 through MM BIO-6 and MM BIO-9 through MM BIO-16 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The Development Site lies within the boundaries of the Western Riverside County Multi-Species Habitat Conservation Plan and within MSHCP designated survey areas for burrowing owl and LAPM. However, it is not within a Criteria Area. The Development Site is not within an MSHCP designated amphibian survey area or CASSA for plants.

Burrowing owl and burrowing owl habitat occur on site and would be permanently affected by the development of the site. The MSHCP states, “If the site contains, or is part of, an area supporting less than 35-acres of suitable habitat or the survey reveals that the site and the surrounding area supports fewer than 3 pairs of burrowing owls, then the on-site burrowing owls would be passively or actively relocated following accepted protocols.” Because the site contains one active burrow with two individuals, this MSHCP guideline applies. If an active burrow is affected, and the individuals are actively or passively relocated, the Riverside County Transportation and Land Management Agency (Environmental Programs Department) (“RCTLMA EPD”) states, “In the event owls are observed on site, please contact the Environmental Programs Department (EPD) immediately to discuss potential

mitigation measures such as passive or active relocation." Per MM BIO-6 the Development Project would comply with all MSHCP guidelines regarding burrowing owl as part of the Development Project's regulatory compliance.

Los Angeles pocket mouse occur on site and within the adjacent study area. Surveys on site and in adjacent parcels within the BSA identified persistent populations of Los Angeles pocket mouse on site and throughout the BSA. The current design conserves most of the drainages and buffers of uplands around those drainages. These design features conserve at least 90 percent of the known habitat for Los Angeles pocket mouse, which meets MSHCP goals for protecting Los Angeles pocket mouse. (Draft EIR Section 4.4.6.5). Where new roads cross the riparian corridors, undercrossings suitable for safe passage of wildlife and allowing continued downstream sediment transport will be constructed to provide for long-term conservation of the riparian/riverine resources which are being avoided and their associated functions and values for the Development Site features as well as down-stream conservation areas associated with the sediment transport system. Since the majority of the drainages on-site are unvegetated sandy bottom features and the crossings will be desired to allow for wildlife movement, the overall biological value of the drainage features will not be affected by the Development Project. As further discussed in Section 4.10.6.3, with MM BIO-16 and MM HYD-1 and MM HYD-2, construction of Lincoln Street draining crossings for the Development Project will not divert or change the overall function of the drainage and potential impacts from sediment transport on the CVMSHCP Plan Area downstream of the Development Site and impacts would be less than significant.

Mitigation Measures

The Development Project complies with all applicable guidelines from the MSHCP. Mitigation Measure MM BIO-6 addresses the RCTLMA EPD guidance and further ensures impacts from the Development Project on burrowing owls are less than significant.

While current design of the Development Project conserves at least 90 percent of known Los Angeles pocket mouse habitat, satisfying MSHCP goals for Los Angeles pocket mouse protection, mitigation measures MM BIO-1 through MM BIO-6 and MM BIO-9 through MM BIO-16 would ensure that the Development Project complies with all applicable MSHCP guidelines, to ensure MSHCP coverage for the Los Angeles pocket mouse.

4.2 CULTURAL RESOURCES

Project impacts for CEQA Cultural Resources Thresholds 4.5.1 and 4.5.2 do not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.2.1 Threshold 4.5.1

Impact Statement: The Development Project could cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

Findings

Potential impacts of the Development Project related to Threshold 4.5.1 are discussed in detail in Section 4.5.6.1 of the EIR. Although no known historic resources are located on the Development Site,

the potential exists for Project-related ground-disturbing activities to result in a direct impact to historic resources should such resources be discovered during Project-related ground-disturbing activities. The City finds that mitigation measures MM CUL-1 through MM CUL-6 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The record searches and field surveys that were conducted on the Development Site revealed two previously recorded historic resources within the boundary of the Development Site. Site P-33-013778 contains historic ranch foundations/features, and Site RIV-7544 consists of historic erosion control feature(s)/water conveyance systems. Additional, previously unrecorded features of Site RIV-7544 were discovered during the field survey conducted on the Development Site between August 31 and September 2, 2020. Both of these historical resources (including the additional features found on the Development Site as part of RIV-7544) were re-evaluated to determine if either one would meet the criteria for listing on the NRHP or CRHR.

The results of the re-evaluation for Sites P-33-013778 and RIV-7544 have confirmed the previous assessment of the potential historic resources as not significant under Section 106 or CEQA criteria and ineligible for listing on the NRHP or CRHR. As such, the implementation of the Development Project would not cause a significant impact to Site P-33-013778 or Site RIV-7544, as the resources do not retain sufficient integrity, do not retain further research potential, are not significant under any State or local criteria, and are not eligible for the NRHP or CRHR. Feature 36 associated with Site RIV-7544 on the Development Site contained very sparse scatters of clam, oyster, and scallop shell fragments. Based upon the lack of any observable prehistoric material, such as flakes, milling stones, or other artifacts, it was determined the shell scatter was representative of recent or historic refuse and not associated with any prehistoric occupation of the area. No other historical or archaeological resources were discovered on the Development Site, nor were any previously recorded on the Development Site. (EIR Section 4.5.6.1).

Mitigation Measures

Although no significant historical resources have been identified following earlier and current studies of the Development Site, there still remains the potential that other unobserved resources may exist within the Development Site due to the identification of multiple resources within the Development Site, the dense vegetation and other constraints that inhibited ground visibility during the survey of the Development Site, and the presence of multiple natural sources of water which extend through the Development Site. Implementation of the following mitigation measures would reduce the Development Project's potential impacts to archaeological and historical resources to a less than significant level.

The following mitigation measures would be implemented to reduce potential impacts to undiscovered historical resources during construction of the Development Project:

MM CUL-1 The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. 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

"Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

MM CUL-2 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 Development Site, in coordination with the Consulting Tribe(s).

MM CUL-3 Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities in accordance with MM CUL-5 to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.

MM CUL-4 In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health 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 applicant shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed.

MM CUL-5 In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-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 fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. 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.

- 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.

MM CUL-6 Any and all cultural documents created as a part of the Development 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 the Consulting Tribe.

4.2.2 Threshold 4.5.2

Impact Statement: The Development Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Findings

Potential impacts of the Development Project related to Threshold 4.5.2 are discussed in detail in Section 4.5.6.1 of the EIR. Although no known archeological resources are located on the Development Site, the potential exists for Project-related ground-disturbing activities to result in a direct impact to archeological resources should such resources be discovered during Project-related ground-disturbing activities. The City finds that mitigation measures MM CUL-1 through MM CUL-6 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

Ground disturbances at depths up to 12 feet below existing grade on the Development Site is required to accommodate the development of buildings, infrastructure, and ancillary features. While known historic and archaeological features have been determined not to be significant pursuant to CEQA, as multiple resources have been identified within the Development Site, and due to the dense vegetation and other constraints that inhibited ground visibility during the survey, along with the presence of multiple natural sources of water which extend through the property, there still remains the potential that other unobserved resources may exist within the Development Site. When a project will impact a historic or archaeological site, a Lead Agency shall first determine whether the site is a historical resource. Those archaeological sites that do not qualify as historical resources shall be assessed to determine if they qualify as “unique archaeological resources” (California PRC Section 21083.2). The City finds that implementation of mitigation measures MM CUL-1 through MM CUL-6 would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations. (EIR Section 4.5.6.1).

Mitigation Measures

Although no significant archaeological resources have been identified following earlier and current studies of the Development Site, there still remains the potential that other unobserved resources may exist within the Development Site due to the identification of multiple resources within the Development Site, the dense vegetation and other constraints that inhibited ground visibility during

the survey of the Development Site, and the presence of multiple natural sources of water which extend through the Development Site. Implementation of the mitigation measures described in Section 4.5.6.1 of the EIR would reduce the Development Project's potential impacts to archaeological and historical resources to a less than significant level.

4.3 GEOLOGY AND SOILS

Project impacts for CEQA Geology and Soils Threshold 4.7.6 does not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.3.1 Threshold 4.7.6

Impact Statement: The Development Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Findings

Potential impacts of the Development Project related to Threshold 4.7.6 are discussed in detail in Section 4.7.6.9 of the EIR. The Quaternary sediments across the Development Site as having an "Undetermined" paleontological sensitivity. To the extent that the Development Site contains Quaternary older alluvial fan sediments which have a high potential to contain significant paleontological resources, a monitoring program is required to mitigate impacts to potential nonrenewable paleontological resources. The City finds that Mitigation Measure MM GEO-1 is feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

A paleontological sensitivity map generated by the Riverside County Land Information System in August 2020 ranks the Quaternary sediments across the Development Site as having an "Undetermined" paleontological sensitivity. The SBCM in Redlands and the Western Science Center Museum in Hemet both regard Quaternary older alluvial fan sediments as having a high potential to contain significant paleontological resources and, therefore, typically recommend that a monitoring program be implemented to "mitigate impacts to [potential] nonrenewable paleontological resources." Mitigation Measure MM GEO-1 below require paleontological monitoring during mass grading and excavation activities in undisturbed Quaternary older alluvial fan sediments to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. The mitigation measure described below would mitigate any potential impacts to scientifically significant, nonrenewable paleontological resources to a less than significant impact. (EIR Section 4.7.6.9).

Mitigation Measures

The following Mitigation Measure shall be implemented to reduce impacts to paleontological resources that could be discovered on the Development Site during Development Project grading/excavation activities.

MM GEO-1 **Paleontological Resources Monitoring.** All mass grading, excavation, drilling, and trenching activities within the old alluvial fan deposits ("Qof"), which underlie the majority of the Development Site, starting at the surface shall be monitored full-time

by a qualified paleontological monitor for paleontological resources. Prior to initiation of any grading, drilling, and/or excavation activities, a pre-construction meeting shall be held and attended by the paleontologist of record, the grading contractor and subcontractors, the Development Site applicant, and a representative of the lead agency. The nature of potential paleontological resources shall be discussed, as well as the protocol that is to be implemented following discovery of any fossiliferous materials.

For earthmoving within young alluvial fan deposits ("Qyf") and young alluvial valley deposits ("Qya") mapped at the Development Site, periodic "spot check" monitoring shall be conducted, consisting of approximately one to three scheduled site visits per week by a qualified paleontological monitor during construction ground disturbance. If fossils are discovered, full-time monitoring for paleontological resources shall be warranted.

In the field, the primary monitor or the monitors under the direction and supervision of the site-specific paleontologist shall be the responsible persons on site with the assigned authority and responsibility to control all grading operations that might adversely affect any salvage efforts.

Isolated fossils will be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes will be taken on the map location and stratigraphy of the site, which will be photographed before it is vacated and the fossils are removed to a safe place.

All paleontological monitors shall immediately notify all concerned parties (client and lead agency [i.e., the City of Banning]) at the time of any discovery. The City of Banning shall ensure that the recommendations from the qualified, professional paleontologist shall be followed by the Applicant/Developer.

Within 90 days of final paleontological monitoring, a final monitoring and mitigation report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.

4.4 HYDROLOGY AND WATER QUALITY

Project impacts for CEQA Hydrology and Water Quality Threshold 4.10.3 does not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.4.1 Threshold 4.10.3

Impact Statement: The Development Project could substantially alter the existing drainage pattern of the Development Site or area, including through the alteration of the course of a stream or river or

through the addition of impervious surfaces, in a manner which would: (i) Result in substantial erosion or siltation on or off site; (ii) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site; (iii) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or (iv) Impede or redirect flood flows.

Findings

Potential impacts of the Development Project related to Threshold 4.10.3 are discussed in detail in Section 4.10.6.3 of the EIR. The City finds that, with implementation of mandatory regulatory requirements, development of the Development Project will result in less than significant impacts related to Threshold 4.7.6.9 for impacts not related to sediment transport; therefore, no mitigation is required. For impacts related to sediment transport, mitigation measures MM HYD-1 and MM HYD-2 are feasible, adopted, and would reduce impacts to less than significant.

Substantial Evidence

The Development Site is currently undeveloped and is split up into two existing Drainage Areas. Drainage Area A represents the tributary area for Smith Creek, and Drainage Area B represents the tributary area for Pershing Creek. Storm water on the Development Site, under existing conditions, either flows into Smith Creek or Pershing Creek or infiltrates into the ground.

(i) Construction. During Development Project construction activities, soil would be exposed and disturbed, and drainage patterns would be temporarily altered during grading and other construction activities. Therefore, there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. The SWPPP and erosion and sediment control plans would detail Erosion Control and Sediment Control BMPs to be implemented during Development Project construction to minimize erosion and retain sediment on site. Compliance with the requirements of the CGP and City Ordinance No. 1388 and implementation of the construction BMPs, would reduce any construction impacts related to on- or off-site erosion or siltation to less than significant, and no mitigation is required.

(i) Operation. The Development Project would add approximately 333.2 acres (62.4 percent) of impervious surface area, which is not prone to on-site erosion or siltation because there would be no exposed soil. The remaining approximately 200.6 acres (37.6 percent) of the Development Site would consist of pervious surfaces including landscaped areas, landscaped medians, and open space areas. These areas would include vegetation and landscaping that would stabilize the soil and promote infiltration and thereby minimize on-site erosion and siltation. Therefore, on-site erosion and siltation impacts would be minimal. However, the Development Project would increase impervious area on the Development Site by approximately 333.2 acres, which would result in a net increase in storm water runoff that can lead to downstream erosion in receiving waters. Consistent with the requirements of the City of Banning's Municipal Code, the Development Project would construct 16 infiltration basins to retain 100 percent of the 100-year, 3-hour storm event. Collecting, retaining, and infiltrating storm water runoff would prevent sediment from being washed off site and impacting downstream receiving waters. Implementation of regulatory requirements in RCM WQ-3, which requires the Development Project to comply with the hydromodification requirements of the Whitewater River Watershed MS4 Permit and reduce storm water runoff from the Development Site,

and RCM WQ-4, which requires the preparation of a Final Hydrology and Hydraulic Analyses that provides BMPs and LIDs that are consistent with the requirements of the Riverside County Flood Control and Water Conservation District Hydrology Manual and the Riverside County Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development, would ensure that operation impacts related to substantial on- or off-site erosion or siltation would be less than significant.

(i) Sediment Transport. While the city is not located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) or a party to its requirements, much of the sand for the sand dune and sand sheet habitats in the CVMSHCP is supplied by ephemeral streams flowing out of the San Bernardino Mountains through the City and then onward to the San Gorgonio River. Strong winds in the San Gorgonio Pass pick up sand deposited along Smith Creek and the San Gorgonio River during the winter and transport it into the CVMSHCP Conservation Areas located downwind. Features within upstream drainage areas, such as detention basins, and changes in stream flow related to flood control features have the potential to diminish the amount of sediment transported downstream which is then available for aeolian transport. Over the past three decades, the sand dune and sand sheet habitats being conserved in the CVMSHCP have been diminishing steadily with the development in upper watershed areas, including the City of Banning. Lincoln Street development would include construction of a 10-foot-by-10-foot reinforced concrete box culvert across Pershing Creek, which flows in a northwest to southeast direction through the eastern portion of the Development Site (Planning Areas 13 and 14), and Smith Creek, on the western portion of the Development Site, which flows in a north-south direction through Planning Areas 17 and 18. The proposed Lincoln Street crossings of Smith and Pershing Creeks have the potential to affect the pattern, volume, velocity, and/or sediment transport capacity within these drainages, which could have a potentially significant impact on transport to CVMSHCP Conservation Areas. Preparation of, approval by the City, and implementation of a sediment transport and scour analysis that compares drainage features in the pre- and post-project conditions and ensures that following construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP is required by mitigation measures MM HYD-1 and MM HYD-2, which will address this potentially significant impact.

(ii) and (iv) Construction. Development Project construction would comply with the requirements of the CGP and would include the preparation and implementation of an SWPPP. The SWPPP would include construction BMPs to control and direct on-site surface runoff to ensure that storm water runoff from the construction site does not exceed the capacity of the storm water drainage systems. With implementation of BMPs, construction impacts related to a substantial increase in the rate or amount of surface runoff that would result in flooding would be less than significant, and no mitigation is required.

(ii) and (iv) Operation. Implementation of the Development Project would alter the on-site drainage pattern when compared to existing conditions. The Development Site's conceptual drainage plan consists of catch basins, storm drainpipes, reinforced concrete pipes, and 16 on-site infiltration basins. The drainage system for the Development Site would route the storm water runoff from the on-site impervious surfaces to the proposed infiltration basins. Each of the basins would provide storm water

treatment and peak flow mitigation for their respective downstream receiving waters. The Development Project would comply with the City of Banning Ordinance No. 1415 Stormwater Code in requiring 100 percent retention of storm water from a 100-year, 3-hour storm event through the development of the infiltration basins at required sizes. With implementation of RCM WQ-3 and RCM WQ-4, impacts related to an increase in the rate or amount of surface runoff in a manner that would result in on- or off-site flooding would be less than significant, and no mitigation is required.

(iii) Construction. Construction of the Development Project has the potential to introduce pollutants to existing storm water that percolates into the ground or that flows into Smith and/or Pershing Creek on the Development Site, due to erosion, siltation, and accidental spills. The SWPPP would include construction BMPs to control and direct surface runoff on the Development Site and would include detention measures, if required, to ensure that storm water runoff from the construction activities does not exceed the capacity of the storm water drainage systems. In addition, the City requires preparation of erosion and sediment control plans. Implementation of construction BMPs target pollutants of concern in runoff from the Development Site, and erosion and sediment control measures would prevent substantial additional sources of polluted runoff being discharged into Smith and/or Pershing Creeks. Therefore, with compliance with mandatory regulatory requirements, construction impacts related to creation or contribution of runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff would be less than significant, and no mitigation is required.

(iii) Operation. Storm water will surface flow to catch basins and be directed to infiltration basins, which would be appropriately sized to retain and infiltrate 100 percent of the 100-year, 3-hour storm event so that excess runoff does not exceed the capacity of the downstream receiving waters. Additionally, the Development Project would be required to implement RCM WQ-3, which requires implementation of operational BMPs that target and reduce pollutants of concern in storm water runoff. Therefore, operational impacts related to creation or contribution of storm water runoff that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff would be less than significant, and no mitigation is required. (EIR Section 4.10.6.3).

Mitigation Measure

To address the potentially sediment transport-related impact at the proposed Lincoln Street crossings, the following mitigation measures have been identified:

MM HYD-1 Prior to the issuance of a grading permit(s) for roadway work in or adjacent to the proposed Lincoln Street creek crossings, the Applicant shall submit a sediment transport and scour analysis to the City and Western Riverside County Regional Conservation Authority for review and approval. As appropriate, the submittal may include equivalent detail on alternative proposals for the proposed creek crossings. The sediment transport and scour analysis shall identify pre-project conditions associated with channel morphology, hydrologic flow patterns, existing sedimentation and scouring, sediment size, and depth at each crossing. These same attributes will be analyzed based on post-project conditions to determine if there are any substantial changes to the existing conditions. The purpose of the sediment

transport and scour analysis is to compare the functions and values of the drainage features in the pre- and post-project conditions and to ensure that following construction of the Lincoln Street crossings, the functions and values of the drainages with respect to downstream sedimentation are consistent with the long-term preservation of sand dune and sand sheet habitat within the Coachella Valley under the CVMSHCP. It is anticipated based on the results of the sediment deposition analysis performed by Albert A. Webb and Associates for the City of Banning's Sun Lakes Boulevard Extension Project, which adjoins the Project Site and crosses the same drainages that the concrete-lined box culvert in the referenced drainages, would have nearly no sediment deposition. However, if the results of the Project specific sediment transport and scour analysis determine that the proposed concrete-lined box culvert option would have a significant impact on the sedimentation transport system, the applicant shall either mitigate the impacts of the design to have a less than significant impact or will consider other methods of on-site drainage crossing.

MM HYD-2 Prior to City approval of roadway improvement plans for Lincoln Street, including the proposed Lincoln Street crossings, the Applicant shall submit evidence to the City that the Lincoln Street crossings of Pershing and Smith Creeks have been designed to avoid impacts to or, if impacted, to maintain the development transport capacity identified in the approved sediment transport and scour analysis required under Mitigation Measure HYD-1.

4.5 TRIBAL AND CULTURAL RESOURCES

Project impacts for CEQA Tribal and Cultural Resources Thresholds 4.18.1 and 4.18.2 do not result in significant impacts after the implementation of mitigation, and findings are discussed below.

4.5.1 Threshold 4.18.1

Impact Statement: The Development Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: 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).

Findings

Potential impacts of the Development Project related to Threshold 4.18.1 are discussed in detail in Section 4.18.6.1 of the EIR. Sites of potential historic and archaeological sensitivity were observed on the Development site and impacts to tribal cultural resources could be potentially significant. The City finds that, mitigation measures MM CUL-1 through MM CUL-6, are feasible, adopted and would reduce impacts to less than significant.

Substantial Evidence

In addition to a record search, Native American consultation was conducted by the City in compliance with AB 52 and SB 18. As part of the initial consultation process, a review of the SLF by the NAHC yielded negative results. Subsequently, a total of 31 Native American representatives were contacted by the City to determine their desire to consult on the Development Project. The City received consultation requests from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians, the Agua Caliente Band of Cahuilla Indians, and the San Manuel Band of Mission Indians. Initial consultation meetings were held on April 7, 2022 with MBMI and on April 20, 2022 with the Soboba Band of Luiseño Indians.

Because there was no further follow up from the Agua Caliente Band of Cahuilla Indians after the initial consultation request, and the San Manuel Band of Mission Indians did not respond to the initial request, tribal consultation efforts did not move forward beyond the initial tribal consultation request that was received.

The tribal representatives who attended the initial consultation meeting held on April 7, 2022 with MBMI emphasized the importance of including archaeological and Native American monitoring in order to thoroughly assess if there are any tribal cultural resources that could be 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) and located at the Development Site. MBMI representatives provided their review of the Development Project's Cultural Resources Assessment and stated that the Development Project is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. These concerns about the Development Project being located within a tribally sensitive area were brought up during the initial consultation meeting held on April 20, 2022 with the Soboba Band of Luiseño Indians, whose representatives emphasized the importance of their concerns regarding the treatment and disposition of tribal cultural resources that may be uncovered at the Development Site.

Because the Development Site is located in an area considered to be sensitive for tribal cultural resources, ground disturbance associated with implementation of the Development Project has a potential to affect undiscovered tribal cultural material. As such, the Development Project has the potential to result in a substantial adverse change in the significance of a tribal cultural resource, as defined in this threshold.

Due to the potential presence of tribal cultural resources at the Development Site, the City is engaged in ongoing consultation efforts with MBMI and the Soboba Band of Luiseño Indians and will continue to consult with them as Development Project construction occurs in the event that a tribal cultural resource is encountered. If identified, procedures outlined in MM CUL-1 to MM CUL-6 will be followed, as appropriate. Therefore, with mitigation, the Development Project is not expected to cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of the Development Project would have a potentially significant impact on unique archaeological resources, including tribal cultural resources, unless mitigation described under MM CUL-1 through MM CUL-6 are incorporated. Implementation of these mitigation measures would reduce impacts to tribal cultural resources within the Development Site to a less than significant level. (EIR Section 4.18.6.1).

Mitigation Measures

The following mitigation measures as identified in Section 4.5 are also identified as Cultural Resource Conditions in the Development Project's Cultural Resources Assessment and are considered standard project procedures to be conducted if a cultural resource is encountered during construction to reduce potential impacts to undiscovered archaeological resources:

MM CUL-1 The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. 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 "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

MM CUL-2 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 Development Site, in coordination with the Consulting Tribe(s).

MM CUL-3 Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a "Sensitivity Workshop" training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.

MM CUL-4 In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health 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 applicant shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed.

MM CUL-5 In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-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 fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. 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.

- 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.

MM CUL-6 Any and all cultural documents created as a part of the Development 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 the Consulting Tribe.

4.5.2 Threshold 4.18.2

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

Findings

Potential impacts of the Development Project related to Threshold 4.18.2 are discussed in detail in Section 4.18.6.2 of the EIR. The City finds that there is a possibility potential tribal cultural resources may be unearthed during ground-disturbing activities and impacts to tribal cultural resources would be significant. The City finds that mitigation measures MM CUL-1 through MM CUL-6 are feasible, adopted, and would reduce the significant impact identified to less than significant.

Substantial Evidence

As indicated above, Native American consultation was conducted in compliance with AB 52 and SB 18. As part of the consultation process, a review of the SLF by the NAHC yielded negative results.

Following the initial consultation meeting between the City and MBMI, MBMI has provided its review of the Development Project's Cultural Resources Assessment and has stated that the Development

Project is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. Although there are no known human remains at the Development Site, the potential to unearth such remains during construction cannot be ruled out. In the event that human remains are identified during Development Project construction, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98, as appropriate. Adherence to previously identified MM CUL-1 through MM CUL-5 would ensure compliance with the State's Health and Safety Code for the treatment of human remains and the appropriate coordination with the Native American Heritage Commission. With implementation of and compliance with the above stated mitigation measures, impacts would be less than significant.

Mitigation Measures

MM CUL-1 through MM CUL-5 from Section 4.5 of the EIR are also identified as Cultural Resource Conditions in the Development Project's Cultural Resources Assessment and are considered standard project procedures to be conducted if a cultural resource is encountered during construction to reduce potential impacts to undiscovered archaeological resources.

5.0 FINDINGS REGARDING ENVIRONMENTAL IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE

Section 15126 of the CEQA Guidelines requires that the EIR identify the significant environmental effects that cannot be avoided if the proposed project should be implemented (CEQA Guidelines § 15126(b)), and the significant irreversible environmental changes that would be involved if the proposed project is implemented (CEQA Guidelines § 15126(c)). As further described below, the City finds the Development Project would result in significant and unavoidable impacts with respect to air quality, greenhouse gas emissions, noise and transportation after implementation of all feasible mitigation measures. In accordance with CEQA Guidelines Section 15092(b)(2), the City cannot approve the Development Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding considerations described in CEQA Guidelines Section 15093 because the economic, legal, social, technological or other benefits of the proposed project outweigh its unavoidable adverse environmental effects. Therefore, a Statement of Overriding Considerations has been prepared.

5.1 AIR QUALITY

5.1.1 Threshold 4.3.1

Impact Statement: The Development Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings

Impacts to the Development Project related to Threshold 4.3.1 are discussed in detail in Draft EIR Section 4.3.6.1. The City finds that the Development Project would be inconsistent with the 2022 South Coast AQMD Air Quality Management Plan (AQMP) because it 1) would require a General Plan Amendment and therefore is inconsistent with the land use assumptions on which the AQMP was based and is conservatively assumed to generate operational source emissions not accounted for in the AQMP; and 2) would exceed SCAQMD significance thresholds for VOCs, NOx, PM_{10}, and $PM_{2.5}$ emissions. Specifically, the Development Project would exceed regional thresholds of significance for VOC during construction and for VOCs, NOx, PM_{10}, and $PM_{2.5}$ during operation despite implementation of project design features and mitigation measures both added and as revised in Mitigation Measure AIR-1 and AIR-2. As such, the Development Project is considered to be inconsistent with the AQMP and a significant and unavoidable impact regarding inconsistency with the 2022 AQMP would result from the construction and operation of the Development Project. The City finds that modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in reduced impacts with respect to this Threshold as compared to the analysis in the DEIR and FEIR, and emissions for $PM_{2.5}$ would be reduced to less than significant; however, the impact would remain significant and unavoidable. The City finds that the mitigation measures, as revised, identified in Final EIR are feasible, adopted, and will reduce air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce

these emissions has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. The City further finds that mobile source emissions that contribute to exceedance of thresholds of significance are subject to regulations that control heavy-duty truck emissions which are the responsibility of the State and outside of the responsibility and control of the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR..

Substantial Evidence

The proposed Development Site is located within the Basin and is within the jurisdiction of the SCAQMD. The 2022 AQMP is the applicable plan for the Development Project. CEQA requires that Specific Plans be evaluated for consistency with the AQMP. SCAQMD's *CEQA Air Quality Handbook* provides the following two criteria to determine whether a project would be consistent or in conflict with the AQMP:

- **Consistency Criterion No. 1:** The project would generate population and employment growth that would be inconsistent with SCAG growth forecasts.

- **Consistency Criterion No. 2:** The project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Consistency Criterion No. 1 refers to the SCAG's growth forecasts and associated assumptions included in the AQMP. The future air quality levels projected in the AQMP are based on SCAG's growth projections, which are based, in part, on the general plans of cities located within the SCAG region. Therefore, if the level of employment related to the proposed project is consistent with the applicable assumptions used in the development of the AQMP, the project would not jeopardize attainment of the air quality levels identified in the AQMP.

The Development Project would require a general plan land use change. Based on residential occupancy densities, the existing residential use designations would accommodate up to 3,752 persons, while the commercial usus under the existing designations would provide employment for up to 610 persons, for a total of 4,362 residents and employees. The Development Project would allow for up to 5,993 employees at full buildout. As a result of the growth in employment projections for the Development Site, the proposed Project would not be consistent with Consistency Criterion No. 1. Once the General Plan Amendment is approved, the AQMP modeling updated, and the SCAG growth forecasts updated, the Development Project would then be consistent with Criterion No. 1. However, the Development Project is not currently consistent with the growth projections included in the AQMP, and therefore this criterion is not met.

As evaluated under Thresholds 4.3.2 and 4.3.3 in the FEIR, the Development Project would not exceed the LST thresholds for operational activity. However, the regional operational-source emissions were anticipated to exceed the regional thresholds of significance for VOC, NO_X, PM_{10}. and $PM_{2.5}$ emissions and would not be reduced to less than significant with imposition of mitigation measures. With project

modifications, all emissions would be reduced, and the $PM_{2.5}$ emissions would be less than significant, but remaining emissions identified above still exceed the applicable thresholds of significance. As such, the Development Project operations have the potential to result in a significant impact with respect to this criterion, and the Development Project would have the potential to conflict with the AQMP according to this criterion.

Based on the preceding, the Development Project is determined to be inconsistent with Consistency Criterion No. 1, and impacts would be potentially significant. (EIR Section 4.3.6.1).

Emissions associated with the operation of the Development Project would remain significant and unavoidable, even with implementation of the planned project design features and Mitigation Measures AIR-1 and AIR-2 as revised. No additional feasible mitigation measures are available that can reduce impacts to less than significant. As such, the Project would not be consistent with the attainment of the AAQS or emission reductions assumptions indicated in the AQMP. Therefore, based on the requirements for consistency with emission control strategies in the AQMP, the Development Project would conflict with or obstruct the implementation of the AQMP and/or applicable portions of the SIP. Therefore, this impact would be significant and unavoidable.

Mitigation Measures

In order to reduce impacts to the maximum extent feasible, the following mitigation measures are required:

MM AIR-1 The following multi-part mitigation measure shall be implemented during Project construction:

- Plans submitted for grading permit issuance and building permit issuance shall specify a designated area of the construction site where electric or non-diesel vehicles, equipment, and tools can be fueled or charged. The provision of temporary electric infrastructure for such purpose shall be approved by the utility provider, Banning Electric Utility (BEU). If BEU does not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet (as specified in this Mitigation Measure below), the establishment of a temporary electric charging area also will not be required. If the contractor(s) equipment fleet includes this equipment and BEU approval is secured, the temporary charging location shall be established upon issuance of grading permits and building permits.

- If electric or non-diesel off-road trucks and construction support equipment, including but not limited to hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors are available in the construction contractor's equipment fleet and can fulfill the construction requirements during the building, construction, paving, and architectural coating phases of Project construction, such equipment shall be used during on-site

construction. This requirement shall be noted on plans submitted for building permit issuance.

- If electric or non-diesel off-road truck and construction support equipment are not available then the Project contractor shall ensure all 50 horsepower or more off-road diesel-powered construction equipment is powered with California Air Resources Board (CARB) certified Tier 4 Final engines or the equivalent.

- Construction contractors shall maintain records of all off-road diesel construction equipment associated with on-site construction to document that each off-road diesel construction equipment used meets required emission standards. Records shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City staff or their designee.

- During construction activities, the City shall conduct periodic inspections to verify compliance with construction-related mitigation measures pursuant to the Mitigation Monitoring and Reporting Program.

- During construction of the proposed Development Project, the Project contractor shall only use interior paints with low volatile organic compound (VOC) content with a maximum concentration of 30 grams per liter (g/L) for residential building architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a low VOC content with a maximum concentration of 30 g/L verified.

- The City of Banning shall verify these requirements have been incorporated into construction plans prior to issuance of any construction permits and during architectural coating activities.

MM AIR-2 The following multi-part mitigation measure shall be implemented during Project operation:

- Implement mitigation measures MM GHG-4, MM GHG-5, MM GHG-6, and GHG-7.

- All facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site shall meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on site demonstrating compliance with this requirement and shall make records available for inspection by the City of Banning, SCAQMD, and State upon request.

- All on-site cargo handling equipment including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment shall be electric with the

necessary electrical plug-in charging included in the design of the Development Project electrical system, buildings, and equipment storage and parking areas.

- Tenant lease agreements for the Development Project shall include contractual language restricting trucks and support equipment from nonessential idling longer than 3 minutes while on site. The idling restriction will be presented on signs at the entrance to the industrial portions of the Development Project as well as at loading docks and truck parking areas.

- All facility operators shall train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

- Interior- and exterior-facing signs, including signs directed at all dock and delivery areas, shall be provided identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- At buildout of the industrial land uses a minimum of 50 Class 8 electric vehicle (EV) truck chargers shall be installed at the tractor trailer parking spaces in logical locations to facilitate electric truck charging. These chargers shall have the power rating sufficient to charge a Class 8 truck battery.

- For the warehouse/industrial portions of the Development Project, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to all tractor trailer parking spaces in logical locations on site to facilitate future electric truck charging.

- The Development Project shall include the higher value of either:

    - At least 350 Level 2 AC EV chargers; or

    - A percentage of total parking spaces with Level 2 AC EV chargers to comply with the minimum requirements of CCR, Title 24, Part 11: California Green Building Standards Code.

    - The provision of EV charges in each parking lot shall occur prior to the occupancy of uses for said lots.

- All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs. A condition of approval shall be included for the cold storage facility that requires that by buildout at least 90 percent of trucks with TRUs are fully electric.

- Prior to issuance of occupancy permits for the industrial/warehouse area, the Development Project operators employing 200 or more employees shall be required to establish and promote a rideshare program and prepare and submit a Transportation Demand Management Program detailing strategies that discourage single-occupancy vehicle trips by employees by increasing and providing financial incentives for alternate modes of transportation, including carpooling/vanpools, public transit, and biking.

- Signs at every truck exit driveway shall be provided showing directional information to the truck route.

- Every tenant shall be required to train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Facility operators shall also be required to maintain records on site demonstrating compliance and make records available for inspection by the City of Banning, SCAQMD, and State upon request.

- Tenants shall be required to enroll in the United States Environmental Protection Agency's SmartWay program, and tenants shall be required to use carriers that are SmartWay carriers.

- Industrial and commercial buildings within the Development Project shall be all electric unless the land use requires natural gas (i.e., restaurants, bakeries, dental and medical laboratories).

- Tenants shall be provided with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

5.1.2 Threshold 4.3.2

Impact Statement: The Development Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard.

Findings

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is based on past and present development, and the South Coast AQMD develops and implements plans for future attainment of ambient air quality standards taking into account current attainment status and the potential impacts of future development. Based on these considerations, project-level thresholds of significance for criteria pollutants are used by the South Coast AQMD to determine whether a project's individual emissions would have a cumulatively significant impact on air quality. The potential for the project to result in a cumulatively considerable impact, is based on whether a project will exceed a threshold of significance for any criteria pollutant for which the project region is nonattainment under an applicable NAAQS and/or CAAQS. Impacts of the Development Project related to Threshold 4.3.2 are discussed in detail in Draft EIR Section 4.3.6.2.

The City finds that the Project will exceed the thresholds established by SCAQMD for emissions of certain criteria pollutants for which the project region is in non-attainment even after mitigation Therefore, Project impacts would be significant on a project-specific and cumulative basis for those emissions. The Development Project is required to comply with mitigation measures MM AIR-1 and MM AIR-2. The City finds that modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in reduced impacts with respect to this Threshold as compared to the analysis in the DEIR and FEIR, but the impact would remain significant and unavoidable.

The City finds that the mitigation measures, as revised, identified in Final EIR are feasible, adopted, and will reduce air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. The City further finds that mobile source emissions that contribute to exceedance of thresholds of significance are subject to regulations that control heavy-duty truck emissions which are the responsibility of the State and outside of the responsibility and control of the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

The Basin is currently designated nonattainment for the federal and State standards for O_3 and $PM_{2.5}$. In addition, the Basin is in nonattainment for the State PM_{10} standard.

Construction Emissions. During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by demolition, grading, paving, building, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, VOCs, directly emitted particulate matter ($PM_{2.5}$ and PM_{10}), and TACs such as diesel exhaust particulate matter. Table 4.3.I of the Draft EIR shows the mitigated construction emissions and indicates that with implementation of Mitigation Measure AIR-1, maximum daily construction emissions would be less than the SCAQMD thresholds of all pollutants except for VOCs. Mitigation Measure AIR-1 would reduce construction VOCs by requiring low-VOC paint application; however, construction VOC emissions associated with the Development Project would still be significant. There are no additional feasible mitigation measures to further reduce VOC emissions. Therefore, the proposed Development Project would result in significant construction air quality impacts.

Operational Emissions. Long-term air pollutant emission impacts that would result from the proposed Project are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment. Mobile source emissions include emissions associated with passenger vehicles which are based on the trip numbers, length, and fleet mix/vehicle type assumptions in the Traffic Analysis for employees and site visitors/shoppers. The truck trip assumptions are also based on the Traffic Analysis for trips and fleet mix. A truck trip length of 40 miles was assumed based on previous recommendations by the SCAQMD. In response to public comments received on the Draft EIR, the air emission totals for the

Development Project were updated based on the updated, increased truck trip lengths from the WAIRE Guidelines and a weighted average for truck axle type was calculated.

Even with implementation of the designated project design features and revised Mitigation Measure AIR-2, operation of the proposed Development Project would result in a significant and unavoidable impact for VOCs, NOx, CO, PM10, and PM2.5 (Tables 4.3.J through 4.3.N). Mitigation Measure AIR-2 is required to reduce criteria pollutant emissions from the proposed Development Project to the extent feasible. No additional feasible mitigation measures are available that can reduce impacts to a less than significant level; therefore, the operational impact remains significant and unavoidable.

Impacts to the Project related to Threshold 4.3.2 are discussed in detail in Draft EIR Section 4.3.6.2. With implementation of Mitigation Measure AIR-1, daily regional construction emissions would not exceed the daily thresholds of any criteria pollutant emission thresholds established by SCAQMD during construction except for VOCs. Assuming the worst-case scenario of overlap of construction and operations set forth in each table, the daily emissions from Project operations would exceed the SCAQMD thresholds for all pollutants except for SO_X.

Construction emissions of all pollutants except for VOCs associated with the Project would be reduced to a less than significant level with implementation of Mitigation Measure AIR-1. However, emissions associated with operation of the Development Project would remain significant and unavoidable, even with implementation of the planned project design features and Mitigation Measure AIR-2, as revised, which would require all feasible measures to reduce potential impacts. Therefore, this impact would be significant and unavoidable.

Mitigation Measures

As such, impacts are potentially significant. In order to reduce impacts to the maximum extent feasible, the following mitigation measures are required:

Implementation of Mitigation Measure AIR-1 and Mitigation Measure AIR-2, described above.

RCM AQ-1 **SCAQMD Rule 403.** During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures by using the following procedures, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 during construction. The applicable Rule 403 measures are as follows:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving).
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load

and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.

- Pave construction access roads at least 100 feet (30 meters) onto the site from the main road.

- Reduce traffic speeds on all unpaved roads to 15 mph or less.

RCM AQ-2 All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

RCM AQ-3 Prior to approval of the Project plans and specifications, the City shall confirm that the construction bid packages specify:

- Contractors shall use high-volume low-pressure paint applicators with a minimum transfer efficiency of at least 50 percent;

- Coatings and solvents that will be utilized have a volatile organic compound content lower than required under SCAQMD Rule 1113; and

- To the extent feasible, construction/building materials shall be composed of pre-painted materials.

RCM AQ-4 The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.

From Section 4.3.6.2 of the Draft EIR, "Other regional transportation measures that may reduce VMT include but are not limited to improving/increasing access to transit, increasing access to common goods and services, or orientating land uses toward alternative transportation. These regional transportation measures may be infeasible at the project level but will generally be implemented as the surrounding communities develop. The *Sunset Crossroads Vehicle Miles Traveled (VMT) Analysis* concludes that there is no means, however, to quantify any VMT reductions that could result. Additionally, the effectiveness of any VMT reduction program would be dependent on as yet unknown building tenant(s); and as noted above, VMT reductions from various CTR measures cannot be guaranteed." This assessment was revised in the Final EIR Section 4.17.6.3 which imposed mitigation measures but similarly concluded that potential decreases in emissions from reduced VMT may be possible but cannot be quantified at this time.

5.2 GREENHOUSE GAS EMISSIONS

5.2.1 Threshold 4.8.1

Impact Statement: The Development Project would generate GHG emissions either directly or indirectly that may have a significant impact on the environment.

Findings

Impacts of the Development Project related to Threshold 4.8.1 are discussed in detail in Section 4.8.5.1 of the EIR and Section 4.8 of the Final EIR. Unmitigated Project GHG emissions with PDFs incorporated are approximately 62,844.96 MT CO_2e per year through all three phases of the Development Project at buildout, which would exceed the City's threshold of significance of 3,000 MT CO_2e per year. Therefore, impacts are significant. The Development Project includes Project Design Features (PDFs), which will reduce GHG emissions attributable to the Development Project (Draft EIR Section 4.8.5.1).

The Development Project is required to comply with mitigation measures MM AIR-1 and AIR-2, as revised in the Final EIR, and MM GHG-1 through GHG-7 which would reduce GHG impacts to the extent feasible. The City finds that even after application of mitigation measures, the Development Project's mitigated GHG emissions are estimated to be approximately 44,174.26 MT CO_2e per year, exceed the City's screening threshold for Greenhouse Gas Emissions. The City finds that modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in reduced impacts with respect to this Threshold as compared to the analysis in the DEIR and FEIR, and result in mitigated emissions of 38,875.50 MT CO_2e per year. However, the impact would remain significant and unavoidable. The City finds that the above PDFs and mitigation measures are feasible, are adopted, and will reduce GHG impacts attributable to the proposed Project to the extent feasible, The City therefore finds this impact significant and unavoidable. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from construction and operation of the Development Project.

Several mitigation measures were recommended by commenters on the Draft EIR. These measures were evaluated in the Final EIR and were: 1) already be required through regulatory requirements, project design features, or mitigation; 2) added as mitigation and included, herein; or 3) determined to be infeasible. For example, due to the reasons described below under "Substantial Evidence," the requirement that all heavy-duty vehicles must be zero emission was found to be economically and technologically infeasible because they are not commercially available for the foreseeable future. Additionally, regulations that control heavy-duty truck emissions are the responsibility of the State and outside of the responsibility and control of the City. Therefore, pursuant to Section 21081(a)(3) of the California Public Resources Code, control of tailpipe emissions are within the responsibility and jurisdiction of another public agency and have been adopted by that other agency. Accordingly, the City finds that the majority of the Development Project's emissions come from mobile sources which are regulated by the State and not the City.

Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation

measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

When amortized over the 30-year life of the Development Project as required by the SCAQMD, on-site construction activities would result in annual emissions of 487.49 metric tons carbon dioxide equivalent per year (MT CO2e/yr). Long-term GHG emissions associated with buildout of the Development would be approximately 56,902.96 MT CO2e annually from both construction and operations. Modifications to the project and the incorporation of feasible mitigation would reduce project GHG emissions to 38,726.25 MT CO2e/yr, but the volume of GHG emissions resulting from the Development Project would exceed the City's threshold of 3,000 MT CO2e at Development Project buildout (2027). The majority of the GHG emissions (66 percent of unmitigated emissions) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and neither the City nor the Development Project have control over these standards.

Based on comments received during public review of the Draft EIR, a supplemental greenhouse analysis was conducted to account for emissions from updated truck trip lengths trucks by axle type which conform to SCAQMD WAIRE Guidelines and emissions from transport refrigeration units (TRUs) (see Final EIR, Appendices C-5 and C-6). These additional emissions were added to those previously identified for the Project. This additional analysis identified, at buildout, with the incorporation of project design features, the Development Project's unmitigated emissions with incorporation of the PDFs would be approximately 56,902.96 MT CO_2e annually from both construction and operations[4] (see Final EIR, Table 4.8.F-1). Several mitigation measures were recommended by commenters on the Draft EIR. These measures were evaluated in the Final EIR and were: 1) already required through regulatory requirements, project design features, or mitigation; 2) added as mitigation and included in the Final EIR; or 3) determined to be infeasible. For example, the suggested mitigation measure to require that all heavy-duty vehicles must be zero emission was found to be economically and technologically infeasible because they are not commercially available to serve the entire Development Project for the foreseeable future. (See Final EIR, Section 3.0, responses to Comments A-3-25, A-3-26, and A-3-27).

Another suggestion was the installation of roof-top solar panels to the extent feasible. While the City will require Project buildings be to designed and constructed to include solar-ready roof and solar facilities required for commercial and office space in the industrial buildings, the installation of solar panels beyond those required by law is not anticipated at this time as the City prefers that new commercial and industrial uses refrain from installing solar roofs and purchase electricity from BEU to facilitate and support the utility's long-term renewable energy contracts (see Final EIR, Section 3.0, response to Comment A-3-64). The discussion of mitigation measures suggested during public review to reduce the emission of criteria pollutants and greenhouse gases is provided in the Final EIR, Section

[4] This includes total construction emissions amortized over 30 years per 2008 SCAQMD Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans.

3.0, including (but not limited to) the responses to Comments A-3-28, A-3-58, A-3-60, B-2-15, B-2-16, D-3-8, D-3-53 and D-3-56 through D-3-93, and D-6-4.

Project design features (PDFs) to reduce the emission of GHGs have been previously identified in Draft EIR, Draft EIR, Section 4.8.5.1, (pg 4.8-23) and Appendix C-3 (pg 31). Because PDFs are incorporated into the design and construction or operational activities they are not considered mitigation. Previously, the California Building Code required only solar ready roofs for non-residential development. The Specific Plan PDF has been revised to require compliance with California Building Code Title 24, Part 6 solar requirements. These requirements which continue to evolve, now include certain solar roof requirements for non-residential development. The supplemental GHG analysis applies current Title 24, Part 6 requirements for solar roofs which keep the Development Project compliant with Title 24, Part 6 requirements, and is the basis for the updated GHG analysis:

> *All Commercial and Industrial buildings within the Development Project will have solar ready roofs, that includes roof vents and skylights spaced in a manner that allows the south facing roof areas sufficient space to install PV solar panels. In addition, all Commercial buildings shall install PV solar panels with the capacity to generate at least 20 percent of the Commercial buildings' expected electricity consumption. All Industrial buildings shall install PV solar panels with the capacity to generate the expected electricity consumption of the office space of the warehouses and otherwise comply with Title 24, Part 6. Electric conduit leading from the roof area to the electric control panels shall be installed and include electrical panels with sufficient capacity to accommodate PV solar.*

The new requirement has been incorporated into the Final EIR (see Final EIR Chapter 4.0, Sections 4.6.3 through 6.5.6.2). Greenhouse gas reducing practices have been identified in revised Mitigation Measures AIR-1 and AIR-2, as revised, and GHG-1 through GHG-7, along with previously identified and new PDFs, and modifications to the project would reduce mitigated emissions to 38,875.50 MT CO_2e per year at Project buildout (see Final EIR, Table 4.8.J-1), which would still exceed the City's threshold of 3,000 MT CO_2e. Again, the majority of these are generated from mobile sources that are regulated by the State and not the City.

Reliance on carbon offsets to reduce either the Development Project's mobile or non-mobile emissions is not feasible. No local program is available that meets CEQA's criteria of being quantifiable, additional, and verifiable. It has been determined that even offset credits purchased from CARB-approved offset project registries do not adequately ensure that purchased offset credits accurately and reliably represent actual emissions reductions or cannot guarantee that such reductions are additional to any reduction that would occur under business-as-usual operations and reductions required by law, and do not meet the definition of a valid mitigation measure. Additionally, as the Lead Agency, the City of Banning is responsible for enforcing project mitigation measures that are relied upon to reduce GHG impacts and has no enforcement authority over offset credits that fund carbon reduction projects outside of the City. No additional feasible mitigation measures are available that can reduce impacts to less than significant.

Mitigation Measures

Pursuant to Public Resources Code Section 21081(a) and State CEQA Guidelines Section 15091(a), the City finds that changes or alterations have been required in, or incorporated into, the Development

Project that avoid or substantially lessen the significant effect on the environment. Based upon the analysis presented in Section 4.8, Greenhouse Gas Emissions of the EIR, mitigation measures GHG-1 through GHG-7 have been identified to address this impact are feasible and made binding through the MMRP. In addition, MM AIR-1 and AIR-2, as revised, would also be applicable and reduce GHG impacts to the extent feasible. (Draft EIR Section 4.8.5.1).

The Project shall implement mitigation measure MM AIR-2 (discussed above in Section 5.1 and in the EIR), many provisions of which in addition to reducing air quality emissions would result in a reduction in GHG emissions. Despite imposition of these feasible mitigation measures, the volume of GHG emissions generated by the Development would not be reduced below established significance threshold.

The following are additional mitigation measures that would be required to address significant GHG emissions:

MM GHG-1 Provide separate recycling bins within each commercial/industrial building and provide large external recycling collection bins at central locations in the commercial and industrial land uses for collection truck pickup. Provide a commercial recycling/composting program that provides 70 percent diversion of waste for the commercial land uses. Provide an industrial recycling program that provides 80 percent diversion of waste for the industrial land uses.

MM GHG-2 Provide drought tolerant low-water landscaping and trees throughout the Development Site and use recycled (purple pipe) irrigation water with drip irrigation and weather based smart irrigation controllers.

MM GHG-3 Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation to the City of Banning demonstrating that the Project is designed to achieve energy efficient buildings exceeding Title 24 standards with the following design criteria:

- Building envelops insulation of conditioned space within all commercial and industrial buildings shall be R15 or greater for walls and R30 or greater for attics/roofs.
- Windows of commercial and industrial buildings shall have an insulation factor of 0.28 or less U-factor and 0.22 or less SHGC.
- All roofing material for commercial buildings shall be CRRC Rated 0.15 aged solar reflectance or greater and 0.75 thermal emittance.
- All heating/cooling ducting within the commercial and industrial buildings shall be insulated with R6 or greater insulation.
- All heating and cooling equipment shall be ERR 14/78 percent AFUE, or 7.7 HSPF levels of efficiency or greater.

- All water heaters in the commercial and industrial buildings shall be high efficiency electric water heaters with a minimum 0.72 Energy Factor or greater.
- Lighting within the commercial and industrial buildings shall be high efficiency LED lighting with a minimum of 40 lumens/watt for 15 watt or less fixtures, 50 lumens/watt for 15–40-watt fixtures, and 60 lumens/watt for fixtures greater than 40 watts.
- Building roofs shall be in compliance with solar requirements of the California Building Code Title 24 standards.

MM GHG-4 All appliances within the commercial and industrial land uses shall be energy star rated appliances.

MM GHG-5 All water fixtures shall be water efficient (toilets/urinals [1.5 GPM or less], showerheads [2.0 GPM or less], and faucets [1.28 GMM or less]).

MM GHG-6 All landscape equipment used to maintain the landscaping within the Development Project shall be electric.

MM GHG-7 Prior to issuance of building permits, the Project shall provide documentation to the City as part of the plan check process, demonstrating that the Project will implement the measures specified in Table 4.8.K which were obtained from the Riverside County Greenhouse Gas Emissions Screening Tables. The Project may also achieve equivalent emission reductions from other measures approved by the City. Implementing these mitigation measures shall be verified by the City prior to the issuance of final Certificate of Occupancy.

5.2.2 Threshold 4.8.2

Impact Statement: The Development Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

Findings

Impacts of the Development Project related to Threshold 4.8.2 are discussed in detail in Draft EIR Section 4.8.5.2. The City finds that the Development Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHG emissions. Despite plan consistency, the Development Project's long-term operational GHG emissions would exceed the City's significance threshold of 3,000 $MTCO_2e$ per year. For that reason, the City finds that the Development Project results in a significant GHG impact. The City finds that modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in reduced impacts with respect to this Threshold as compared to the analysis in the DEIR and FEIR, but the impact would remain significant and unavoidable. The Development Project is required to comply with mitigation measures MM AIR-1 and AIR-2, as revised, and MM GHG-1, GHG-2, GHG-4, GHG-5, GHG-6, and GHG-7, which would reduce impacts to the extent feasible. The City finds that even after application of mitigation measures, the Development Project's GHG

emissions exceed the City's screening threshold for Greenhouse Gas Emissions. The City finds that the above PDFs and mitigation measures are feasible, are adopted, and will reduce GHG impacts attributable to the proposed Project to the extent feasible, The City therefore finds this impact significant and unavoidable. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. Regulations that control heavy-duty truck emissions are the responsibility of the State and outside of the responsibility and control of the City. Therefore, pursuant to Section 21081(a)(3) of the California Public Resources Code, control of tailpipe emissions are within the responsibility and jurisdiction of another public agency and have been adopted by that other agency. Accordingly, the City finds that the majority of the Development Project's emissions come from mobile sources which are regulated by the State and not the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

The Development Project would not conflict with any of the local, regional, and Statewide plans, polices, programs, and regulations adopted for the purposes of reducing GHG emissions. The Development Project would incorporate GHG emission reducing project design features and implement feasible mitigation (cited previously in these findings).

Plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan, SCAG's 2020–2045 RTP/SCS, the County of Riverside Climate Action Plan, the City of Banning General Plan, and the Air Quality Management Plan. Analysis of whether the Development Project would conflict with a plan, policy, or regulation adopted to reduce GHG emissions is discussed below:

- **Riverside Climate Action Plan:** The Development Project gains over 500 points in the County of Riverside CAP Screening Tables, and these measures will be implemented as part of the Development Project through the PDFs and Mitigation Measures AIR-2, GHG-1, GHG-2, GHG-4, GHG-5, and GHG-6 and GHG-7. Since the Development Project greatly exceeds the 100-point threshold needed to show consistency with the CAP, the Development Project would implement a greater amount of the reduction measures than needed and would be consistent with the County of Riverside CAP if it applied to the entire project.

- **City of Banning General Plan:** The Development Project would be consistent with the 2006 Banning General Plan Air Quality Policies and policies in the Energy and Mineral Resources Element, as discussed in Table 4.8.L of the Final EIR (pp. 4.8-37).

- **Scoping Plan Consistency:** Building decarbonization measures are intended to maximize energy efficiency building and appliance standards, maximize distributed renewable energy generation and energy storage, eliminate the use of natural gas, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, pursue comparable investment in energy efficiency from all retail providers of electricity in California, and expand the

use of green building practices. The Development Project would not conflict with pertinent Statewide action measures in the 2022 Scoping Plan. The Development Project would comply with the CALGreen standards and would include low-flow plumbing fixtures, drought-tolerant landscaping, and other features that would reduce water demand. The Development Project would implement the use of zero emission vehicles (ZEV) and ZEV infrastructure (1.e. electric vehicle chargers) and would increase the use of alternative means of transportation.

- **SCAG's 2020-2045 RTP/SCS:** Development Project comparison to the RTP/SCS is an appropriate indicator of whether the Development Project would inhibit the post-2020 GHG reduction goals promulgated by the State. The Development Project's consistency with the RTP/SCS goals is analyzed in detail in Table 4.8.N: Project Consistency with the 2020 RTP/SCS.

- **Air Quality Management Plan:** The Development Project would not conflict with applicable control measures within the 2022 AQMP. The Development Project's consistency with the AQMP goals is analyzed in detail in Table 4.8.O: Project Consistency with Applicable 2022 AQMP Control Strategies.

Therefore, with respect to this threshold, the Development Project does not have a significant impact. However, despite plan consistency, the Development Project's long-term operational impacts would exceed the City's threshold of 3,000 MT CO2e per year despite implementing PDFs and all feasible mitigation. Though implemented, despite this plan consistency (as detailed in Draft EIR Section 4.8), the Development Project's long-term operational impacts would exceed the City's threshold of 3,000 MT CO2e per year and therefore, could impede long-term GHG reduction goals of various plans (e.g., for 2030 and 2050) and result in a significant impact. (EIR Section 4.8.5.2).

Mitigation Measures

Pursuant to Public Resources Code Section 21081(a) and State CEQA Guidelines Section 15091(a), the City finds that changes or alterations have been required in, or incorporated into, the Development Project that avoid or substantially lessen the emission of GHGs into the environment. Based upon the analysis presented in Section 4.8 of the EIR, mitigation measures MM **GHG-1** through **MM GHG-7** have been identified to address this impact are feasible and made binding through the MMRP. In addition, **MM AIR-1 and AIR-2, as revised,** would also be applicable, and reduce GHG impacts to the extent feasible.

5.3 NOISE

5.3.1 Threshold 4.13.1

Impact Statement: The Development Project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Findings

Impacts of the Development Project related to Threshold 4.13.1 are discussed in detail in Draft EIR Section 4.13.6.1. Findings with respect to construction traffic noise impacts and operational noise impacts under Threshold 4.13.1 are discussed in Section 3.12 and are found to be less than significant.

With respect to construction noise impacts from equipment and construction work, the Development Project is required to comply with Mitigation Measure MM NOI-1, which would reduce impacts to the extent feasible, but impacts would remain significant and unavoidable. The City finds that modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in reduced impacts with respect to this Threshold as compared to the analysis in the DEIR and FEIR, but the impact would remain significant and unavoidable. The City finds that the above mitigation measure is feasible, is adopted, and will reduce the proposed Project construction noise impacts attributable to construction work for the Development Project to the extent feasible. However, the City also finds that because it is yet to be determined if a noise barrier can be constructed on City right-of-way, construction noise impacts for construction of the roadway and utilities on Sunset Avenue would be considered significant and unavoidable and no further feasible mitigation to reduce this impact has been identified; therefore, a significant and unavoidable impact would result from construction noise with respect to the Development Project would result. Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

Construction Noise Impacts Generated by Construction Equipment and Construction Work. Noise will be generated during mass grading, grading, sitework-utilities, building construction, paving, and architectural coating/tenant finishing on the Development Site. As discussed in Draft EIR Section 4.13.6.1. and shown in Table 4.13.L-M, construction noise levels would reach up to 85 dBA L_{max} (82 dBA L_{eq}) at a distance of 50 ft and residential buildings east of the Development Site along Sunset Avenue between Lincoln Street and Westward Avenue and the school building east of the Development Site on the southeast corner of Sunset Avenue and Westward Avenue in the City of Banning would be exposed to interior construction noise levels of 55.7 dBA L_{eq} and 60.4 dBA L_{eq}, respectively. This exceeds the City's interior construction noise standard of 55 dBA for more than 15 minutes per hour. Also, residential buildings south of the Development Site along Bobcat Road in the County of Riverside would be exposed to interior construction noise levels of 56.4 dBA L_{eq}, which exceeds the City's interior construction noise standard of 55 dBA for more than 15 minutes per hour. Therefore, noise generated from Development Project construction activities would be potentially significant at these locations unless mitigation described under **Mitigation Measure NOI-1** is incorporated.

Mitigation Measures

Noise generated by project construction activities would be reduced to a less than significant level with the implementation of the Mitigation Measure NOI-1. Mitigation Measure NOI-1 includes the installation of minimum 10 ft high temporary construction barriers when Development Project construction activities are within 100 ft from the nearest residential structure and other measures to reduce noise impacts will reduce construction noise impacts associated with on-site construction of the Development Project to less than significant. However, because it is yet to be determined if a noise barrier can be constructed on City right-of-way during construction of roadway and utilities on

Sunset Avenue, the City finds that construction noise impacts for construction of the roadway and utilities on Sunset Avenue is considered significant and unavoidable.

MM NOI-1 The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 6:00 p.m.

During grading, site work, paving and utility construction, the construction contractor shall install a minimum 10 ft high temporary construction barrier along the eastern construction boundary to shield residences along Sunset Avenue between Lincoln Street and Westward Avenue, along the southern construction boundary to shield residences along Bobcat Road, and along the eastern construction boundary to shield the school located at the southeast corner of Sunset Avenue and Westward Avenue when project construction activities are within 100 ft from the nearest residential structure to that activity. The temporary construction barrier may be any material that has a minimum Sound Transmission Class (STC) rating of 28. For off-site construction, including for construction of the roadway and utilities, on Sunset Avenue, the City will determine whether the noise barrier can be constructed on City right of way without impacting roadway access and the construction contractor shall install such barrier on City-owned property provided that such roadway access can be maintained during construction.

During all Development Site excavation and grading, the Development Project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

The construction contractor shall locate equipment staging in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors nearest the Development Site during all project construction.

The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the Development Site.

5.4 TRANSPORTATION

5.4.1 Threshold 4.17.2

Impact Statement: The Development Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Findings

Impacts of the Development Project related to Threshold 4.17.2 are discussed in detail in EIR Section 4.17.6.3. The Development Project would result in a significant VMT impact. The Development Project is required to comply with Mitigation Measure MM TRA-1, which would reduce impacts to the extent feasible, but impacts would remain significant and unavoidable. As discussed in the Supplemental CEQA Memorandum and Modified Sunset Crossroads Specific Plan (SP No. 200-20000002) Vehicle

Miles Traveled (VMT) Comparative Analysis, modifications to the project that restrict industrial development on Planning Area 2 and modify the mix of commercial uses would result in a reduced level of impact but the impact would remain significant and unavoidable. The City finds that the above mitigation measure is feasible, is adopted, and will reduce the proposed Project transportation impacts attributable to trips generated by the proposed Project to the extent feasible. The City also finds that no further feasible mitigation to reduce this impact has been identified; therefore, a significant and unavoidable impact would result from operation of the Development Project. Pursuant to Section 21081(a)(3) of the California Public Resources Code, and CEQA Guidelines Section 15091(a) and (c) (findings "shall describe the specific reasons for rejecting identified mitigation measures and project alternatives"), the City finds that specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives identified in the EIR that would reduce the identified impact to less than significant levels.

Substantial Evidence

For projects that are not residential, office, or retail land use types, the City Guidelines identify VMT per employee as the appropriate VMT metric for analysis. Therefore, the Development Project's industrial warehouse and hotel land uses were evaluated based on the metric VMT per employee.

The Development Project would exceed the City's adopted thresholds of 25.9 VMT per employee for the industrial and hotel uses. This would result in a potentially significant impact. To achieve a less than significant findings for non-retail VMT per employee, VMT would need to be reduced by 15.9 percent or 26,377 HBW VMT. The following project design features (PDFs) have the potential to reduce HBW VMT. These design features are based on coordination with the City staff and the recommendations contained within the City's Traffic Impact Analysis Guidelines and the Western Riverside Council of governments (WRCOG) TDM Strategies Evaluation Memo.

PDF T-1: Commute Trip Reduction Marketing. The Development Project will include a marketing strategy to promote the project site employer's CTR program. Information sharing and marketing promote and educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT. The following features (or similar alternatives) of the marketing strategy are essential for effectiveness.

1. Onsite or online commuter information services.
2. Employee transportation coordinators.
3. Onsite or online transit pass sales.

The Development Project will provide tenant's employees material and online resources as a means to promote the commute trip reduction program. With proper implementation and 100 percent of the employees eligible, this design feature is expected to reduce VMT by 4 percent.

PDF T-2: Ridesharing Program. The Development Project will provide a ridesharing program and establish a permanent transportation management association with funding requirements for employers. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips and VMT. Ridesharing must be promoted through a multifaceted approach. Examples include the following:

- Designating a certain percentage of desirable parking spaces for ridesharing vehicles.
- Designating adequate passenger loading and unloading and waiting areas or ridesharing vehicles.
- Providing an app or website for coordinating rides.

The Development Project as designed, will provide carpool/vanpool/EV parking designated spaces in locations of easy and convenient accessibility to the Project building. As calculated for the Project, with proper implementation and 100 percent employees eligible, the Project is expected to reduce VMT by four percent.

PDF T-3: End-of-Trip Bicycle Facilities. The Development Project will install and maintain end-of-trip facilities for employee use. In this case End-of-trip facilities will only include bike parking. The provision and maintenance of secure bike parking and related facilities encourages commuting by bicycle, thereby reducing VMT. End-of-trip facilities should be installed at a size proportional to the number of commuting bicyclists and regularly maintained.

The Development Project will include building elements for bicycle trip end facilities (i.e., parking) for commuters that choose to bicycle as a mode of travel. This will promote an alternative mode choice of commuting for employees. As calculated, the Project will reduce VMT by 0.06 percent.

As the reduction in trips and associated VMT cannot be accurately accounted for by the calculations conducted using the RIVCOM model, these adjustments are made through the following calculations as described in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. The PDFs will be incorporated into the Transportation Demand Strategy Report required under Mitigation Measure TRA-1. With implementation of the PDFs and MM TRA-1, as well as home-based work, VMT would be reduced 8.4 percent. The Development Project would need to reduce HBW VMT by 15.9 percent to fall below the City's adopted VMT impact threshold; therefore, the Project's impact to non-retail VMT per employee would remain significant and unavoidable. (Draft EIR Section 4.17.6.3).

Mitigation Measures

The following mitigation measure would require the preparation of a Transportation Demand Management (TDM) strategy report to reduce employee VMT. While the inclusion of PDFs T-1 through T-3 would reduce HBW VMT by 8.4 percent, Project generated VMT per employee still exceeds the City's adopted VMT impact threshold. Therefore, even with the implementation of **MM TRA-1**, Threshold 4.17.2 would remain significant and unavoidable.

MM TRA-1: Prior to issuance of occupancy permits, the project applicant shall prepare a Transportation Demand Management (TDM) strategy report (as discussed in the Sunset Crossroads Vehicle Miles Traveled (VMT) Analysis) for review and approval by the City Traffic/Transportation Manager, Transportation Demand Management (TDM) strategies have been incorporated into the project design including commute trip reduction marketing, rideshare program, and end-of-trip bicycle facilities.

6.0 FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126 of the *CEQA Guidelines* requires that the EIR identify the significant irreversible environmental changes that would be involved should the proposed project be implemented (CEQA Guidelines § 15126(d)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from environmental accidents associated with the project; or d) the proposed consumption of resources is not justified.

6.1 IMPACT STATEMENT

Although the Project would cause irreversible impacts to the environment, the impacts are not significant.

6.2 FINDINGS

The Development Project's potential to result in significant irreversible changes are discussed in detail in Section 7.1 of the Final EIR. The City finds that the Development Project would permanently alter the site by converting vacant and undeveloped land to commercial and industrial uses, which would commit future generations to similar uses in that area. Construction and operation of the Development Project would require the commitment of nonrenewable resources; however, the City finds that use of nonrenewable resources is not expected to negatively impact the availability of these resources. Accordingly, the City finds that these irreversible environmental changes are not significant. The City finds that as described in the analysis presented throughout the EIR, implementation of the Proposed Project would not result in significant and unavoidable environmental impacts that cannot be feasibly reduced to below levels of significant, with the exception of air quality, greenhouse gas emissions, construction noise, and VMT impacts which are discussed in Section 5.0.

6.3 SUBSTANTIAL EVIDENCE

Determining whether the proposed Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. As the Development Project site is currently vacant and undeveloped, converting it to commercial and industrial uses would result in a significant irreversible environmental change that would occur because of the Project implementation.

Natural resources in the form of construction materials and fuels would be utilized in the construction of the proposed Project, and energy resources in the form of electricity and natural gas would be used during the long-term operation of the Development Project; however, their use is not expected to have a negative impact on the availability of these resources and is not a significant irreversible environmental change. The proposed (mitigated) use of electricity on the Development Site would be approximately 25.570 gigawatt-hours (GWh) of electricity per year. According to the California Energy Commission (CEC), total electricity consumption in the Banning Electric Utility (BEU) service area in

2022 was 151.5 GWh (47.4 GWh for the commercial sector). In Riverside County, total electricity consumption in 2022 was 17,780.6 GWh (9,060.64 GWh for the residential sector and 8,720.0 GWh for the non-residential sector). The Project demand would represent approximately 16.9 percent of existing electricity consumption within the BEU service area and 0.14 percent of current electrical demand in Riverside County. Senate Bill (SB) 100 raised California's Renewable Portfolio Standard (RPS) requirement targets to 50 percent renewable by December 31, 2026 and 60 percent by December 31, 2030, and it requires all the State's electricity to be from carbon free resources by 2045. Based on its mix of generation sources, BEU currently has a renewable portfolio of 81.3 percent (2022), far exceeding the State's target of 50% by 2030; therefore, it is reasonable to conclude the BEU will continue this practice and that any increased energy demand from the Development Project and other uses will be adequately met with a majority of renewable energy resources. (Draft EIR Section 7.1).

The estimated potential increase (mitigated) in natural gas demand associated with the Development Project is 59,998 therms. Total natural gas consumption in the Southern California Gas Company (SoCalGas) service area in 2022 was 5,026.5 million therms. Within Riverside County, natural gas consumption totaled 431.1 million therms in 2022. The Development Project would increase annual natural gas consumption in the SoCalGas service area and Riverside County by approximately 0.001 and 0.01 percent, respectively. While the Development Project would increase energy demand, electricity in the City is increasingly provided by renewable sources and the Development Site will be required to implement applicable energy efficiency standard/features. As a result, operation of the proposed uses and utilizing natural gas would not result in significant irretrievable loss of non-renewable fuels or impact the availability of these energy resources for future generations or for other uses for the life of the Development Project.

The Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP) has designated the majority of the Development Site (451.9 acres) as Farmland of Local Importance (L). The remaining portions of the Development Site are designated as Grazing Land (G) (76.83 acres) and Other Land (X) (3.97 acres). While mapping by the FMMP identifies 4,381.5 acres of Farmland of Local Importance within Banning and the conversion of locally important farmland to a non-agricultural use would be permanent and irreversible, it is not considered a significant impact under CEQA.

To mitigate for the permanent impacts to 1.07 acres of riparian/riverine areas on the Development Site, 3.21 acres of on-site riparian habitat would be enhanced or restored (a 3:1 ratio). The additional enhancement/restoration would ensure the long-term conservation of the riparian/riverine resources, preserving the function and value of on-site and downstream areas. While upland habitat throughout the Development Site will be permanently and irreversibly impacted by the Development Project, no candidate, sensitive, or special-status species occur in these areas. No federally or State-listed endangered or threatened species or special-status plant or amphibian species occur within the Development Site. As a result, no impacts would occur with respect to these categories of species.

While burrowing owl have been identified on site and would be directly and indirectly impacted by Development Project construction, as stated in Section 4.4.6.1 of this EIR, impacts to this species are reduced to less than significant through the implementation of mitigation. Los Angeles pocket mouse occur on site and would be directly and indirectly impacted by the Development Project. However, the predominant areas of occupation (the existing drainages) will be maintained. Additionally,

mitigation has been identified that would reduce potential impacts to this species to a less than significant level.

The conversion of the Development Site from undeveloped to developed uses has been previously considered by the City through previous designation of the site for residential and commercial development in its General Plan, and implementation of the Development Project would result in the removal of existing vegetation, modification of topography, and the subsequent installation of buildings and supporting infrastructure that represents a permanent and irreversible change in nature of on-site biological resources. Nonetheless, the direct impacts to biological resources resulting from the Development Project are fully mitigated and less than significant.

The 533.8-acre Development Site is currently undeveloped and represents an open space area resource in Banning. While the Development Project would retain existing drainage features and other open space areas within 65.6 acres, development pursuant to the Specific Plan would result in the conversion of open, natural areas to a collection of industrial and commercial buildings and a supporting inventory of ancillary features/facilities (e.g., roadways, parking areas, lighting, signage, landscaping, utilities). The conversion of the site to urban uses represents a permanent and irreversible change in the existing aesthetic character of the site.

Commercial and industrial uses operated on the Development Site may include the use and disposal of some amount of hazardous waste along with limited use of pesticide and herbicides for landscape maintenance. Vehicles accessing the uses on the Development Site would contain oil and gasoline to power their engines, which could have the potential to result in minor releases of such substances through drips or leaks in parking areas. Transport truck traffic to and from the Development Site, including transport refrigeration units (TRUs), or refrigerated trucks transporting perishable material may also contribute to minor releases of oil and gasoline in the loading dock areas in addition to the parking areas. Specific Plan uses are not anticipated to generate or use major hazardous materials, or create unusually high quantities of hazardous waste, and would be required to prepare Hazardous Materials Business Plan(s) (as appropriate). Because no such hazards currently exist on site, development per the Specific Plan would extend the potential for accidental hazardous material release/upset through the lifetime of the project but would not constitute a significant impact.

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7.0 FINDINGS REGARDING GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Development Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment, and includes removing obstacles to population growth (CEQA Guidelines § 15126.2(e)).

Impact Statement: The Development Project would not have significant growth inducting impacts.

7.1 FINDINGS

The Development Project's potential to result in growth-inducing impacts is discussed in detail in Subsection 7.2 of the EIR. Based on the entire record, the City finds that the Development Project would not directly or indirectly induce growth in the surrounding area, which could result in significant adverse effects to the environment.

7.2 SUBSTANTIAL EVIDENCE

Pursuant to Sections 15126(d) and 15126.2(e) of the *CEQA Guidelines*, an EIR must discuss the ways in which a proposed project could foster economic or population growth, the construction of additional housing (either directly or indirectly) in the surrounding environment or remove obstacles to population growth. This discussion is included in Subsection 7.2 of this EIR to provide additional information on ways in which this project has the potential to contribute to significant changes in the environment, beyond the direct consequences of developing the Development Project established in earlier chapters in the EIR. To address this issue, potential growth-inducing effects are assessed by determining if the Development Project would: (1) remove obstacles to population growth through the construction or extension of major otherwise unplanned for infrastructure facilities that do not presently exist in the project area (e.g., a major expansion of a wastewater treatment facility); (2) by increasing population, tax existing community service facilities, thereby requiring construction of new facilities, which could cause significant environmental effects that could significantly affect the environment; or (3) include project characteristics that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Each of these issues is discussed below.

The Development Project does not require off-site construction or extension of infrastructure that was not already considered, planned for and approved by the City. While the Development Project will underground certain existing utility lines along the perimeter of the Development Site, it will not extend transmission utility lines in other areas. The installation of utilities is to connect the Development Site with existing utility lines abutting the site. The installation of wet utility facilities (e.g., water, wastewater, recycled water) required for the Development Project would connect to existing City systems, and additional identified construction is for planned for infrastructure identified in the Integrated Master Plan (IMP) and developed pursuant to the City's Capital Improvement Plan (CIP) and would not extend infrastructure beyond that already planned for the City. In addition to these specific facilities, the Development Project will include the extension of water, recycled water, natural gas, and communication (cable, telephone service) to the Development Site. Necessary infrastructure improvements for these services would extend from existing or planned infrastructure

locations and would only serve the Development Site. The proposed improvements would not extend utility or roadway infrastructure in areas further removed from the Development Site and therefore would not directly or indirectly induce additional unplanned development in intervening areas.

To comply with the requirement in Government Code Section 66300 et seq. that there be no net loss of residential capacity, 1,146 units of residential capacity from the Development Site will be moved to the Mt. San Jacinto College (MSJC) Site to land currently designated for Public Facility uses[5], which upon rezoning, would accommodate development of not less than 1,146 residential units on the approximately 41 acre site. This entitlement serves to ensure no net loss of residential units within the City and preserves the development of planned housing. It does not significantly increase the maximum number of housing units to be built in the City and does not represent an increase in residential uses or population. Improvements to adjacent infrastructure would be required to accommodate development on the MSJC Site regardless of the future use; therefore, the MSJC Entitlements and any subsequent Very High Density Residential (VHDR) uses would not directly or indirectly result in growth not already planned for and anticipated by the City.

As discussed in Chapters 3.0 and 6.0 of this EIR, the City has either previously approved or is in the process of considering various public improvements that it will implement that may occur on or adjacent to the Development Site. Each of these has either undergone prior review or is under consideration by the City and would proceed with or without development of the Development Project, and each is intended to provide infrastructure to serve planned growth within the City and its Sphere of Influence. Although these public facilities projects would be carried out on land within or adjacent to the Development Site, they are not part of the Development Project, are already planned for, and do not serve to make the Development Project growth inducing. See Subsection 7.2.1.3 of the EIR.

In addition, although the Development Project does not create the need for development of another fire station within the City, at the City's request, the Specific Plan identifies a site in Planning Area 12 to be reserved for a possible future fire station use if desired by the City. However, because neither the City nor the Riverside County Fire Department has considered nor identified a need for a fire station at this location, there is no current plan for development of a fire station. Accordingly, development of a fire station at the Development Site is considered speculative and is not growth inducing. If the City and County Fire Department elect to proceed with a fire station at a future date, they would be responsible for the planning, design, construction, and future environmental analysis and development of the fire station.

The related public facilities projects described above are either sized specifically for the Development Project or already planned for by the City in its General Plan, or in connection with other approved projects. The Development Project does not require construction of new community services facilities to serve it. Because the Development Project maintains existing housing capacity by moving residential units from the Development Site to the MSJC Site, and the jobs created by the

[5] In collaboration with the Beaumont Unified School District, MSJC is housing the Beaumont Middle College High School at the San Gorgonio Pass Campus. The middle college high school is designed to raise graduation rates, prepares students for transfer to a 4-year institution or an associate degree, and serves underrepresented students.

Development Project will serve to improve the jobs-housing balance by creating job opportunities in the City and nearby area, the Development Project will not increase population in the City. When considered together, it is reasonable to conclude the Development Project would not facilitate unplanned growth that could significantly affect the environment.

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8.0 FINDINGS REGARDING MSJC ENTITLEMENTS

8.1 MSJC ENTITLEMENTS

The MSJC Entitlements are comprised of (1) a General Plan Land Use Amendment (GPA) and (2) a change to the Official Zoning Map (ZC) on the MSJC Site to change the land use designation and zoning from PF–S (Public Facilities-Schools) to VHDR (Very High Density Residential), with a density range of 18–24 dwelling units per acre (18-24 DU/AC).[6] The City's VHDR land use designation authorizes condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. The City will establish by ordinance a specific plan overlay (Overlay) coterminous with the MSJC Site boundary. The Overlay would require preparation and adoption of a Specific Plan, pursuant to Chapter 17.96 of the Banning Municipal Code (BMC) prior to development of VHDR residential uses on the MSJC Site. While the adoption of the MSJC Entitlements would rezone the MSJC Site to allow very high-density residential uses, no residential development application has been filed or is contemplated for the MSJC Site at this time. The Overlay would ensure the MSJC Site be developed in a cohesive manner, account for the provision of adequate public infrastructure (i.e., roads, storm drain, electricity, sewer, potable and recycled water availability), and would provide the opportunity for clustering of residential development, to provide for a mixed-use school facility and residential development on the property. Refer to Section 3.6.2 of the Draft EIR for further discussion of the proposed entitlements.

The MSJC Entitlements were analyzed at a programmatic level in Chapter 5.0 of the Draft EIR, consistent with *CEQA Guidelines* §15168 because they are logical parts in the chain of contemplated actions (*CEQA Guidelines* §15168). Consistent with the requirements set forth in Public Resources Code §21068.5 and *CEQA Guidelines* §§15152 and 15168(c), later activities (i.e., any future project level activity at the MSJC Site, such as adoption of the required specific plan) could be tiered from, and would be examined in light of, the information in this programmatic analysis to determine whether an additional environmental document must be prepared to evaluate project-level environmental impacts associated with development of the MSJC Site. As such, these finding reflect, to the extent feasible and practicable, the programmatic nature of the MSJC analysis contained in Chapter 5.0 of the Draft EIR.

8.1.1 Aesthetics

Impact Statement: The MSJC Entitlements would result in no impact or less than significant impacts to aesthetic/visual resources.

Finding

The programmatic analysis of the MSJC Entitlements related to aesthetic and visual resources is discussed in Section 5.4.1.2 of the Draft EIR. The City finds that no impact or no significant impact (depending upon the threshold measured) to aesthetics would result from approval of the MSJC Entitlements. The City finds that implementation of the MSJC Entitlements would not result in significant impacts related to aesthetics; therefore, no mitigation is required.

[6] General Plan Amendment 22-2502 and Zone Change 22-3502.

Substantial Evidence

The MSJC Entitlements themselves do not propose any development on the MSJC Site. While the type, quantity, location, configuration, orientation or design of development that may occur on the MSJC Site subsequent to the adoption of the entitlements, if any, is unknown, it is reasonable to expect that the VHDR uses would include the construction of individual and/or clusters of multi-storied buildings and site improvements (e.g., access roads, parking, sidewalks, lighting, enhanced landscaping, signage, utility infrastructure, etc.) necessary to support new high density residential development. Future development of the MSJC Site would require adoption of a specific plan to regulate the site plan and design of the uses; therefore, such future development would be expected to be well regulated and aesthetically consistent with the surrounding land uses. There are no designated scenic vistas visible from the MSJC Site. The placement of residential structures on the MSJC Site will alter views of the San Jacinto Mountains from public spaces, but the extent of any such alternation of views will be determined based on the location, orientation, and height/mass of future structures. The San Jacinto Mountains located approximately 1.3 miles south of the MSJC Site rise to a height of 10,804 feet amsl; therefore, it is not likely development of multi-story VHDR[7] uses would completely obstruct views of these mountains from adjacent roadways. It should be noted that MSJC Site frontage extends approximately 0.35 mile along Westward Avenue. The posted speed along this segment of Westward Avenue is 40 miles per hour (mph); therefore, any potential change in views to the San Jacinto Mountains would be available to travelers on Westward Avenue for approximately 30 seconds only. Adherence to future site-specific aesthetic guidelines, no significant impact to a scenic vista would result from adoption of the MSJC Entitlements or subsequent development of the MSJC Site.

State Route 243 (SR-243) is an Officially Designated State Scenic Highway and is located approximately 1.3 miles east of the MSJC Site. The MSJC Site is bounded by existing, approved, or proposed development on three sides (residential to the north, Rancho San Gorgonio to the south and east, and the Development Site to the west. Due to intervening topography, distance, existing buildings, and vegetation (i.e., trees), the proposed MSJC Site is not directly visible from SR-243. As such, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway; therefore, no impact would occur.

The City has not identified the MSJC Site as a scenic resource. Because the MSJC Entitlements would not result in any physical development at this time, the aesthetic condition of the site would remain unchanged until such development is subsequently initiated by an interested party at some future point in time. It is anticipated the review and approval of any future VHDR residential development on the MSJC Site would conform to the City standards and/or specific plan guidelines, including but not limited to site planning and grading, building design and architecture, requirements for open space, landscaping, and lighting in effect at the time of said review. Therefore, it is not anticipated that development of the MSJC Site would degrade the existing visual character or quality of MSJC Site and surroundings area(s). No significant impact would result.

[7] City of Banning Municipal Code: 17.08.030, Table 17.08.030 (Residential Development Standards), maximum height of four stories (60 feet).

New development accommodated by the MSJC Entitlements would require a consistency review of regulations related to aesthetics, light, and glare contained in the Title 17 (Zoning Code) of the City's Municipal Code. Chapter 17.24.100 requires that exterior lighting be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. It is reasonable to anticipate applicable provisions of the City's Municipal and/or any future specific plan required for the MSJC Site will follow lighting guidelines to reduce nighttime light pollution; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not create a new source of substantial light and glare that would adversely affect day or nighttime views in the area and no significant impact would occur.

8.1.2 Agricultural and Forestry Resources

Impact Statement: The MSJC Entitlements would not impact agricultural or forestry resources.

Finding

The programmatic analysis of the MSJC Entitlements related to agricultural and forestry resources is discussed in Section 5.4.2 of the Draft EIR. The City finds that no impact would result from approval of the MSJC Entitlements. The City also finds that implementation of the MSJC Entitlements would not result in significant impacts related to agricultural or forestry resources; therefore, no mitigation is required.

Substantial Evidence

No portion of the site is designated as Prime, Unique or Statewide Important Farmland which is considered by CEQA to be a potential significant impact, most of the MSJC Site (45.65 acres) is considered Farmland of Local Importance, and the remaining portion (3.54 acres) of the MSJC Site is designated as "Urban/Built Up Land"; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of any such farmland and no impact would occur. No Williamson Act contracts currently exist on the site. The MSJC Site is designated "Public Facilities" under the City's General Plan and zoning; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of any Williamson Act contract land or land zoned for agriculture or forestry/timberland to a non-agricultural or non-forestry use, and no impact would occur. There is no evidence of any current or on-going agricultural activity, forest, or timberland resources on the MSJC Site; therefore, the MSJC Entitlements and subsequent development of the MSJC site would not contribute or catalyze the conversion of active agricultural or forest land to other uses; therefore, no impact would occur.

8.1.3 Air Quality

Impact Statement: Adoption of the MSJC Entitlements would not result in the generation of pollutants; therefore, no significant air quality impact would occur. The City's General Plan includes a mechanism requiring project-specific air quality analysis for proposed physical development of the MSJC Site. Absent a specific proposal for development of VHDR on the MSJC Site, a project-specific air quality analysis showing air quality impacts associated with VHDR development on the MSJC Site, the effectiveness of the regulatory compliance and mitigation measures, cannot be determined. In the absence of the ability to conduct such assessment, potential air quality impacts resulting from future development of the MSJC Site may be significant.

Finding

The City finds that because the MSJC Entitlements would not result in development at this time, no significant air quality impacts would result from adoption of the entitlements. The programmatic analysis of the MSJC Entitlements relative to air quality is provided in Section 5.4.3 of the Draft EIR. Because the MSJC Entitlements would not result in a significant increase in the inventory of residential units or population growth in the City, the City finds that MSJC Entitlements would be consistent with the 2022 AQMP if development is limited to 1,146, but that assessment of air quality impacts would be needed to determine if the incremental increase in units up to 1,181 units would result in air quality emissions that exceed established air quality thresholds. The City further finds that total project emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified at this time, that the City will require preparation of a project-specific air quality analysis evaluating the potential for generating emissions that could exceed established air quality thresholds or cause a significant air quality impact. Without a project-specific analysis, the City finds it would be speculative to reach a significance conclusion about whether potential air quality impacts exceed thresholds of significance, whether development of VHDR would result in a cumulative increase of criteria pollutants or expose sensitive receptors to substantial pollution, and whether any potential impacts could be mitigated to less than significant. In the absence of project plans, and based on the programmatic analysis, future development on the MSJC Site may result in a significant air quality impact but assessment of air quality impacts needs to be deferred to a project-level analysis. The City finds that the Regulatory Compliance Measures (RCMs) which require adherence to South Coast Air Quality Management Rules to minimize emissions from construction (MSJC Site RCMs AQ-1 through AQ-3) and to minimize objectionable odors (MSJC Site RCM-AQ-4) are feasible, adopted and would reduce air quality emissions. The City additionally finds its General Plan Air Quality Element Policy 4, and related programs, provide a feasible and appropriate method to identify and address potential air quality impacts that may result from the future development of residential uses on the MSJC Site. The City further finds that neither construction nor operation of VHDR development on the MSJC Site would result in objectionable odors.

Substantial Evidence

Consistency with the Air Quality Management Plan (AQMP) is based on two criteria: (1) whether a project is consistent with the SCAG growth forecasts, which is based, in part, on the planned land uses in general plans of cities located within the SCAG region; and (2) whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Because the MSJC Entitlements do not propose development at this time, approval would not result in air quality emissions and the MSJC Entitlements are consistent with the AQMP.

The approval of the MSJC Entitlements would transfer residential capacity of up to 1,181 from the Development Site to the MSJC Site; however, there would be no significant increase in the inventory of residential units or population growth in the City that was not planned for and included as part of SCAG forecasts. The MSJC Entitlements would transfer an estimated 1,146 residential units, which are accounted for in the Air Quality Management Plan (AQMP). Because the MSJC Entitlements would not result in a significant increase in the inventory of residential units or population growth in the City, the MSJC Entitlements would be consistent with the first criterion. The second criterion requires a

project to determine whether the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The South Coast Air Basin (Basin) is currently designated as nonattainment for the federal and State standards for O_3 and $PM_{2.5}$. In addition, the Basin is in nonattainment for the State PM_{10} standard. Specific information about the footprint of land use development on the MSJC Site, and the duration, frequency, and intensity of construction, potential overlap between construction and occupation of any residential uses are neither known nor available at this time. The density of residential uses on the MSJC site at buildout is also not known at this time. The MSJC entitlements transfer the potential for 1,146 units but could incrementally increase to 1,181 units depending on unit density at buildout. Therefore, emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified (Draft EIR, Section 5.4.3.2).

The MSJC Entitlements themselves do not include a physical project that would emit pollutants, compromise, or conflict with the AQMP, or jeopardize attainment of the air quality levels identified in the AQMP. The City's General Plan Air Quality Element, Policy 4 states, "Development Proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impact." The City has identified Program 4.A and 4.B to ensure development projects are consistent with this policy (Draft EIR, pg 5-17):

> **Program 4.A:** Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.
>
> **Program 4.B:** Provide consistent and effective code enforcement of construction and grading activities and offroad vehicle use to assure that the impacts of blowing sand and fugitive dust emissions are minimized.

As part of the development process, future proposals on the MSJC Site would be required to prepare a project-specific air quality analysis evaluating the proposal's potential to exceed established air quality thresholds, result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment, or expose sensitive receptors to substantial pollutant concentrations. In the absence of project plans, future development on the MSJC Site may result in a significant impact, but it would be speculative to reach a conclusion, and assessment of air quality impacts needs to be deferred to a project-level analysis. Once a specific development plan for the MSJC Site has been proposed, pursuant to Policy 4, an air quality analysis needs to be prepared for development of the MSJC Site to quantify all construction and operational emissions, and whether other mitigation would be identified to reduce the significance of any air pollutant that exceeds the construction and/or operational significance thresholds established by the South Coast Air Quality Management District (Draft EIR, pg 5-17).

The SCAQMD develops rules and regulations, establishes permitting requirements, inspects emissions sources, and enforces such measures. These Rules have been previously summarized in Section 4.3.4.3 of the Draft EIR. Any construction for new development occurring on the MSJC Site would be

required to conform to applicable SCAQMD rules, including Rule 401 (Visible Emissions), Rule 402 (Nuisance), Rule 403 (Fugitive Dust), and Rule 1113 (Architectural Coatings) to reduce emissions, dust, and volatile organic compounds during project construction, as well as other applicable rules governing air pollutant emissions (Draft EIR, pg 5-18). Heavy-duty equipment engaged on the MSJC Site during construction would emit odors, primarily from the vendor trucks and heavy-duty off-road equipment exhaust. This odor may be noticeable to nearby sensitive receptors (e.g., residential uses north of the MSJC Site and MSJC campus facilities); however, these odors would also dissipate quickly beyond 300 feet from a source and would be temporary in nature. Development on the MSJC Site would include VHDR units that would not be a significant source of odor emissions. City and County regulations require trash storage areas for multi-family residential to be in an enclosed area to limit air circulation, and through adherence to City and County regulations, odors from the trash storage areas would be less than significant. Furthermore, compliance with SCAQMD Rule 403 (construction), Rule 402 (operation), and City regulations (including Municipal Code Chapter 8.48, Nuisances; construction and operation) would apply to any development occurring on the MSJC Site, reducing the significance of such impacts (Draft EIR Section 5.4.3.2).

8.1.4 Biological Resources

Impact Statement: No impact would result from approval of the MSJC Entitlements. Subsequent development of the MSJC Site, as allowed by the MSJC Entitlements, could have a significant impact on biological resources without the implementation of mitigation measures.

Finding

The programmatic analysis of the MSJC Entitlements related to biological resources is provided in Section 5.4.4 of the Draft EIR and includes analysis of the following thresholds related to biological resources.

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The City finds that with respect to the above thresholds that MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to biological resources from adoption of these entitlements would be less than significant. The City finds that with the respect to the above thresholds subsequent development of the MSJC Site with VHDR uses could potentially impact biological resources; therefore, implementation of MSJC Mitigation Measures BIO-1 through BIO-5 is required to reduce the potential impacts to biological resources resulting from subsequent development on the MSJC Site to a less than significant level. The City has determined the identified mitigation measures are feasible, required, and appropriate to reduce impacts to biological resources resulting from the development of the MSJC Site to less than significant.

Substantial Evidence

Currently, campus facilities are developed on three parcels, which collectively encompass 8.3 acres of MSJC Site. The remaining portion of the MSJC Site is vegetated with a mosaic of Riversidean sage scrub, grassland, and water habitats generally sloping from northwest to southeast, following the typical drainage characteristics of the City. There are two drainage features that traverse the MSJC Site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. Due to the meandering course of this drainage, the MSJC Site encroaches onto this feature.

A review of the MSJC Site using the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Conservation Summary Generator indicates that the MSJC Site is not within designated survey areas for Criteria Area Plant Species or Amphibians but that it is within designated survey areas for the following species:

- **Burrowing Owl:** The MSJC Site is located within the MSHCP designated burrowing owl (*Athene cunucularia*) survey area. Mapped vegetation in the area shows most of the site is non-native grassland and therefore potentially provides suitable habitat on site for burrowing owl.

- **Narrow Endemic Plants:** The MSJC Site is located within a MSHCP designated Narrow Endemic Plant Species Survey Area (NEPSSA) for two species: Marvin's (Yucaipa) onion (*Allium marvinii*) and many-stemmed dudleya (*Dudleya multicaulis*). Vegetation communities mapped by the Western Riverside County Regional Conservation Authority (RCA) (2021) within the MSJC Site includes Riversidean sage scrub habitat and soils include sandy loam both attributes potentially provide suitable habitat for these two species.

  The MSHCP Information Tool indicates that the entire MSJC Site lies within the NEPSSA for Marvin's (Yucaipa) onion and many stemmed dudleya. Although these plant species have an affinity for clay soils, they are not clay obligates. Suitable habitat and/or soils on site are consistent for both plants to occur, although there are no many-stemmed dudleya records in the area. Historic records for the Marvin's onion occur less than a mile from the MSJC Site on soils not mapped as clay. Neither species has been observed during past survey efforts on neighboring properties.

- **Los Angeles Pocket Mouse:** A portion of the MSJC Site is located within the survey area for Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). This species is classified as a 'Species of Special Concern.' It prefers sandy soils for burrowing within coastal sage scrub and similar habitats in Los Angeles, Riverside, and San Bernardino Counties. It is nocturnal and active late spring to early fall. Suitable conditions for the species appear to be present on site.

- **Riparian Birds:** Existing drainage features on site may potentially provide habitat for riparian bird species such as the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax trailii extimus*), or the yellow-billed cuckoo (*Coccyzus americanus*).

- **Fairy Shrimp:** Based on the "desktop reconnaissance" conducted for the MSJC Site, a habitat assessment and focused survey(s) for fairy shrimp will need to be conducted during wet season surveys initiated at first storm of fall season and during dry season surveys on pools identified during the wet season to determine the suitability of habitat found on the site. Surveys will need to be conducted at the beginning of the development planning for the residential units on the MSJC Site.

- **Nesting/Migratory Birds:** The MSJC Site contains suitable nesting habitat for nesting songbirds and raptors protected under the Migratory Bird Treaty Act (MBTA) and State code. These laws protect most nesting native bird species, both directly and indirectly, and impacts can be minimized or eliminated by conducting work activities outside of the breeding season.

As the MSJC Site has not been formally or thoroughly surveyed, development-specific biological resource survey(s) are required prior to any ground disturbance. The City is a permittee under the MSHCP, there are requirements with which the City must comply concerning biological species. Mitigation Measures in the General Plan EIR[8] require compliance with MSHCP policies, including the conduct of species-specific focused surveys (as appropriate) for burrowing owl, narrow endemic plants, the Los Angeles pocket mouse, and riparian communities/drainages. The specifics of potential biological resource impacts and level of required mitigation, if any, will not be known until required site surveys are conducted. MSJC Mitigation Measures BIO-1 through BIO-5 are applicable to any development of the MSJC Site. These measures require, 1) conduct of a habitat assessment and identification of required focused surveys, 2) completion of required focused surveys, 3) evidence the mitigation recommended or required in the focused surveys has been incorporated into project design and/or satisfied pursuant to review of the Regional Conservation Authority, 4) receipt of required regulatory permits, including the incorporation into the project design, those features and/measures identified and required by the permitting authority(ies); and 5) submittal of evidence that any drainages have been avoided and/or impacts to drainage features have been minimized to the extent feasible and that appropriate buffer area(s) have been established to appropriately separate on-site drainage features from any subsequent development that may occur on the MSJC Site (Draft EIR Section 5.4.5.1).

The City's Municipal Code, Chapter 15.72.050, details the purpose and procedures for adherence to applicable provisions of the MSHCP including habitat evaluation, implementation requirements for

[8] City of Banning. 2005. *Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance*, Section III(F)(3).

protection of riparian/riverine areas and narrow endemic species, conduct of required focused biological species, and compliance with MSHCP guidelines for urban/wildland interface. Chapter 15.72 requires the imposition of conditions or mitigation to ensure each project complies with the applicable biological resource protection polices detailed in the MSHCP. The implementation of MSJC Mitigation Measures BIO-1 through BIO-5 and the payment of required MSHCP fees ensures the effects of any subsequent development of the MSJC Site on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species would be fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code; therefore, a less than significant impact would occur from development of the MSJC Site.

8.1.5 Cultural Resources

Impact Statement: Due to identification of elements associated with Barker Ranch (sites P-33-013778/P-33-009176), which existed on both sides of what is now Sunset Avenue, future development of the MSJC Site has the potential to affect previously undetected historic and/or archaeological material associated with Barker Ranch.

Finding

The programmatic analysis of the MSJC Entitlements related to cultural resources is discussed in Section 5.4.5 of the Draft EIR. The City finds that the MSJC Entitlements would not result in a physical disturbance; therefore, the impacts to cultural resources from adoption of these entitlements would be less than significant. The City finds that subsequent development of the MSJC Site with VHDR uses could potentially impact cultural resources; therefore, implementation of MSJC Mitigation Measure CUL-1, including the application of Standard City Measures CUL-1 through CUL-6 as appropriate, would be necessary to reduce the potential impacts to cultural resources to a less than significant level. The City has determined the identified mitigation measures are feasible, required, and appropriate to reduce impacts to cultural resources resulting from the MSJC Entitlements or subsequent development of the MSJC Site.

Substantial Evidence

The results of the records search conducted for the Development Project identified 68 previously recorded resources (one prehistoric isolate and 67 historic sites, buildings, and features) within one mile of the Development Site. Of the resources identified within the records search, one, P-33-009176, is located within the MSJC Site, at the southeast corner of Sunset and Westward Avenues. This site (P-33-009176 originally contained historic buildings associated with a ranch complex tied to the Barker Ranch, which extended across Sunset Avenue into the Development Site. The records search additionally identified three previous studies that explicitly included the MSJC Site, and portions of the MSJC Site have been included in surveys conducted for other projects none of which identified any cultural resources within the site. However, these studies are older and would not be considered current for evaluating cultural impacts.

The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to cultural resources resulting from these actions would be less than significant. Subsequent development of the MSJC Site with VHDR uses could potentially significantly impact undiscovered

historic and archaeological resources. The specifics of potential cultural resource impacts and level of required mitigation, if any, will not be known until a site-specific survey is conducted once a specific development project is proposed therefore, MSJC Mitigation Measure CUL-1 is required. This measure requires preparation of a Cultural Resources Assessment by a Secretary of the Interior (SOI) qualified professional which would include, but not be limited to, (1) an updated archaeological records search, (2) an intensive pedestrian survey of the MSJC Site, (3) an evaluation of significance of any cultural resources identified, and (4) the preparation of a Phase I report of the findings with recommendation and potential mitigation. Based on the outcome of any required cultural resource assessment, further compliance with the City's standard cultural resource mitigation measures CUL-1 through CUL-6 (as detailed in Draft EIR, Section 4.5.6.1, page 4.5-17 through 4.5-19) may be required. These standard measures would, (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations.

The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to cultural resources resulting from these actions would be less than significant. Subsequent development of the MSJC Site with VHDR uses could potentially significantly impact undiscovered historic and archaeological resources or disturb human remains. Implementation of mitigation measures MM CUL-1 through MM CUL-6 would reduce the potential impacts to archaeological, and historical resources or human remains on the MSJC Site to a less than significant level.

8.1.6 Energy

Impact Statement: The MSJC Entitlements and future development of the MSJC Site would result in no impacts concerning the wasteful, inefficient, or unnecessary use of energy resources, or conflict with state or local plans for renewable energy or energy efficiency.

Finding

The programmatic analysis of the MSJC Entitlements and future development of the MSJC Site related to energy resources is provided in Section 5.4.6 of the Draft EIR. The City finds that implementation of the MSJC Entitlements and future development of the MSJC Site would result in no impacts related to use of energy resources or conflict with state or local plans for renewable energy or energy efficiency; therefore, no mitigation is required.

Substantial Evidence

As stated in Sections 4.6 and 5.4.6.2 of the Draft EIR, future use of the Project Sites would incorporate the most current energy efficient, energy conserving designs, and install required renewable energy features; adhere to vehicle fuel efficiency requirements; and install the fixtures, features and facilities meeting the energy efficiency requirements in effect at the time of development.

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. Therefore, the proposed MSJC Entitlements themselves would not generate any demand for energy resources. The MSJC Entitlements avoid the net loss of residential capacity and do not significantly increase residential capacity or units in the City, if at all. The MSJC Entitlements shift the entitlement for 1,146 residential units from the Development Site to the MSJC Site. Because the MSJC Entitlements would allow for up to 1,181 VHDR units on the MSJC Site, it is possible that 35 more units than currently planned for in the City could be added. Nevertheless, it is not anticipated that physical development of housing units on the site would increase impacts to energy resources or result in the inefficient use of energy resources differently than accounted for in current City planning documents.

Any construction on the MSJC Site would require energy for the transport of building materials, preparation of the site for grading activities, utility installation, paving, building construction and architectural coating, the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles. Operational energy use is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with a project. Any development of the MSJC Site with VHDR uses would increase the demand for vehicle fuels, electricity, and natural gas over current uses.

The 2022 Energy Code (effective January 1, 2023) establishes specifications related to electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards. As such, the MSJC Entitlements would be subject to the 2022 standards or later, as applicable. Compliance with the standards would be confirmed by the City during the plan check process prior to permitting. It is anticipated that energy conserving requirements in the Building Code will continue to increase, thereby providing greater energy efficiency for residential uses. Adherence to established standards related to fuel efficiency, the incorporation of energy conservation measures into project design, and installation of energy efficient features is a required of any development in the City. Whether and how additional energy efficiencies would be incorporated into the design and operation of the VHDR units is unknown and speculative. Minimally, it is reasonable to estimate that future development on the MSJC Site would not use energy in a wasteful, inefficient, or wasteful manner; therefore, no impact would occur.

In 2010, the California Building Standards Commission (CBSC) adopted Part 11 of the Title 24 Building Energy Efficiency Standards, referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is updated on a regular basis, and the 2022 update became effective on January 1, 2023. The CALGreen Code establishes mandatory measures for residential and non-residential building construction and encourages sustainable construction practices in the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. Although the

CALGreen Code was adopted as part of the State's efforts to reduce greenhouse gas (GHG) emissions, the CALGreen Code standards have co-benefits of reducing energy consumption by residential and non-residential buildings. The 2022 CALGreen updates include specific requirements for the installation of EV charging and solar facilities for residential and non-residential buildings, including solar systems for multifamily buildings that are four stories or higher.

As established in Chapter 15.08.010 of the City's Municipal Code, the City has adopted the CBC and CALGreen (and other relevant codes) "…for the purposes of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of building and structures." Any future development on the MSJC Site would obtain electrical power from BEU which has a mix of generation sources in its renewable portfolio. In 2022, BEU maintained a renewable portfolio of 81.3 percent (2022), far exceeding the State's target of 50% by 2030 (see Final EIR, Section 3.0, response to Comment A-3-64). In addition, BEU is required to comply with SB 100's requirement for a one hundred percent renewable portfolio by 2045. As required by BMC, it is reasonable to anticipate that any development of VHDR uses on the MSJC Site would conform to applicable provisions of the CALGreen Code in effect at the time such development occurs; accordingly, the MSJC Entitlements and subsequent development of the MSJC Site would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency; therefore, no impact would occur.

8.1.7 Geology and Soils

Impact Statement: The MSJC Entitlements themselves would not impact geology and soils (risk of loss due to earthquakes, seismic ground failure, or landslides, substantial erosion or loss of topsoil, unstable soil, expansive soil, or soils incapable of supporting septic tanks). Impacts from subsequent development of the MSJC Site would be less than significant (geologic) and potentially significant (paleontological).

Finding

The programmatic analysis of the MSJC Entitlements relative to geology and soils is provided in Section 5.4.7 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in any physical changes to the MSJC Site and therefore no impact to geologic or paleontological resources would occur. The City further finds that development of the MSJC Site could result in significant impacts related to geology and soils. The City finds that the Regulatory Compliance Measures (RCMs) identified in Section 5.4.7.2 which require, among other requirements, the future development project to prepare and follow the recommendations detailed in the MSJC Site-specific geotechnical evaluation would ensure impacts relative to seismic ground failure, fault rupture, seismic shaking, landslides, erosion or loss of topsoil, and unstable/expansive soil, would not be significant; therefore, no mitigation is required. The City finds that no impacts related to septic tanks or other alternative waste water disposal systems would occur from future development of the MSJC Entitlements because it is expected that future development on the MSJC Site would connect to the City's sewer system.

The potential impacts related to paleontological resources resulting from development of the MSJC Site are addressed in Section 5.4.7.2 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in any impacts to unique paleontological resources or unique geologic

features. The City further finds that subsequent development on the MSJC Site could result in potentially significant direct impacts to paleontological resources within the Project site should such resources be discovered during Project-related construction activities; therefore, Mitigation Measures MSJC Site GEO-1 and GEO-2, are required. The City further finds that no unique geologic features would be impacted by future development of the MSJC Site. The City has determined that these measures are appropriate and feasible as incorporated into the project and would avoid or reduce impact to paleontological resources to a less than significant level.

Substantial Evidence

The San Andreas Fault Zone is located approximately six miles northeast, and the active Banning Fault Zone, a branch of the San Andreas Fault Zone, is located approximately 1.20 miles northeast of MSJC Site. The San Jacinto Fault Zone is located approximately nine miles southwest of the MSJC Site. The nearest known active fault is the San Gorgonio Fault Zone, to the north. As the San Andreas Fault Zone marks the boundary between the Pacific and North American Plates, the City and immediate area continues to experience seismic activity, though no active or potentially active fault of "Alquist-Priolo" Earthquake Fault Zone or City designated Fault Hazard Management Zone is located within the limits of the MSJC Site. Per the City's General Plan[9] the MSJC Site is not located in an area with mapped faults or seismic settling potential. Furthermore, the liquefaction potential of the site is "low,"[10] nor within an area of a known susceptibility for landslides.[11] Due to the distance of large bodies of water from the MSJC, the possibility of seiches, tsunamis, and inundation due to failure of large water storage facilities is considered low. FEMA designated Flood Zone X traverses the MSJC Site in from Westward Avenue in a northwest-southeast direction, while Flood Zone A[12] associated with Pershing Creek is located along the southern boundary of the MSJC Site.[13] As with the Development Project, any development based on the MSJC Entitlements would likely not occur within the natural drainages on the MSJC Site. No ponds, lakes, or other large man-made open water retention features exist on or are adjacent to the MSJC Site.

An MSJC Site-specific geotechnical investigation has not been conducted since no buildings or construction are proposed in connection with adoption of the MSJC Entitlements. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized on the site in the future following adoption of a specific plan. If future development is proposed, adherence to City regulatory compliance measure (RCM) GEO-1 would require a project-specific geotechnical evaluation prepared by a licensed geotechnical engineer which identifies the geotechnical conditions of the MSJC Site and provides appropriate design, grading, and construction parameters required per applicable sections

9 City of Banning. 2006. General Plan, Geotechnical Element, Figures V-2 through V-4.

10 California Department of Conservation. 2023. Website: https://maps.conservation.ca.gov/cgs/DataViewer/ (accessed May 11, 2023).

11 U.S. Geological Survey. 2023. U.S. Landslide Inventory. Website: https://usgs.maps.arcgis.com/pps/ebappviewer/index.html?id=ae120962f459434b8c904b456c82669d (accessed May 10, 2023).

12 Flood Zone X: 0.2% annual chance of flood hazard, areas of 1% chance of flood with average depth of less than one feet, or drainage areas of less than on square mile. Flood Zone A: 100-year flood zone without base flood elevation.

13 Federal Emergency Management Agency, Flood Insurance Rate Map, Panel 06065C0816G, effective August 28, 2008.

of the most current California Building Code. Any applicant for development on the MSJC Site would be required to provide evidence to the City Engineer that the site-specific geotechnical conditions and recommendations identified in the geotechnical evaluation are appropriately incorporated into the grading plans, design and construction documents for any on-site landform modification, structure, feature, or facility, and that the building plans and structural design conform to the requirements of the geotechnical evaluation and the City Municipal Code and the CBC.

A paleontological records search conducted for the Development Project extended one mile from the Development Site (inclusive of the MSJC Site). No fossil localities were identified within the one-mile search radius. While the Quaternary sediments on the Project Sites have an "Undetermined" paleontological sensitivity, typically in western Riverside County, these sediments are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, and others). A potential exists that subsequent development of the MSJC Site would result in a significant impact to paleontological resources. **MSJC Site Mitigation Measures GEO-1 and GEO-2** require preparation of a site-specific Paleontological Resources Assessment. No known unique geologic features are present on the site; however, if during the preparation of the development-specific geotechnical investigation a unique geologic feature is identified, the report would include recommendations to avoid effects resulting from impact to the potential unique geological feature. Furthermore, future development application would be required to provide evidence that the applicable recommendations identified in the assessment are carried out prior to and during ground disturbance activities.

8.1.8 Greenhouse Gas Emissions

Impact Statement: The MSJC Entitlements themselves would not result in any development activity that would generate GHGs, and their approval would not result in a conflict with an applicable plan, policy, or regulation whose purpose is reducing GHG emissions, and no impact would occur. Development of the MSJC Site would not significantly increase the number of units, residential capacity or population in the City beyond that previously forecast, and the clustering of units as VHDR over a smaller footprint located in the same area as the Development Site likely would result in fewer GHG emissions than if the residential units were constructed on the Development Site. In the absence of a project proposal for VHDR development on the MSJC Site, it would be speculative to estimate the project-specific GHG emissions that may be associated with VHDR development, and the effectiveness of regulatory compliance and potential mitigation measures, cannot be determined. In the absence of the ability to conduct such assessment, potential GHG impacts resulting from future development of the MSJC Site may be significant.

Finding

Because the MSJC Entitlements would not result in development at this time, the City finds that no significant GHG impacts would result from adoption of the entitlements. The programmatic analysis of the MSJC Entitlements relative to GHG emissions is provided in Section 5.4.8 of the Draft EIR. The City finds that GHG emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified at this time, that the City will require preparation of a project-specific GHG analysis evaluating the potential for generating GHG emissions that would exceed an established

GHG threshold, be considered cumulatively considerable, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Without a project-specific analysis, the City finds it would be speculative to reach a significance conclusion about whether potential GHG emissions would be cumulatively considerable or conflict with an applicable plan, policy or regulation, and whether any potential significant impacts could be mitigated to less than significant. In the absence of project plans, and based on the programmatic analysis, future development on the MSJC Site may result in a significant GHG impact but assessment of GHG impacts needs to be deferred to a project-level analysis.

Substantial Evidence

Except for existing MSJC campus facilities, the majority of the MSJC Site is undeveloped and does not generate anthropogenic GHG emissions. Construction and occupation of any use on the MSJC Site would generate GHG emissions. However, moving 1,146 units of residential capacity from the Development Site to the MSJC Site does not represent an increase in number of residential units or increase in population beyond that previously considered by the City (or by extension SCAG), and clustering the units as VHDR in a smaller development footprint would likely result in fewer construction and operational GHG emissions. The potential to develop up to 1,181 VHDR units likely would not significantly increase GHG emissions above those produced by the 1,1,46 units already accounted for. Therefore, the operation of the residential units likely would not result in GHG emissions that were not already anticipated in the City's General Plan. Furthermore, the proposed MSJC Entitlements and any VHDR development resulting from adoption or development of the MSJC Entitlements would not result in the relocation of residential uses to outlying portions of the City. The MSJC Site is located directly adjacent to the Development Site (east across Sunset Avenue), and it is reasonable to anticipate no substantial increase in the length of vehicle trips or a corresponding increase in GHG emissions from vehicle usage would result from the proposed MSJC Entitlements or any subsequent development of VHDR uses on the MSJC Site that were not already anticipated from the original land use and zoning on the adjacent Development Site. Because specific plans for development, including a development footprint, are not part of the MSJC Entitlements, it would be speculative to estimate whether GHG emissions would be cumulatively considerable under CEQA Guidelines section 16064.4, or compare potential GHG emissions from construction and operation, although they are likely to be less than if the residential units were constructed on the Development Site.

Without specific information about the development footprint and configuration of the residential units on the MSJC Site, the programmatic-level analysis does not allow evaluation of whether future development of VHDR units on the MSJC Site would comply with existing plans and policies. A more specific analysis for GHG emissions from development of the MSJC Site will need to be conducted under *CEQA Guidelines* Section 15168(c) to assess GHG impacts. As appropriate, subsequent development would be subject to conditions and regulatory requirements that would reduce impacts related to the emission of GHG, and mitigation measures that would reduce GHG emissions to the extent feasible.

8.1.9 Hazards and Hazardous Materials

Impact Statement: The MSJC Entitlements themselves do not propose physical development that has the potential to result in impacts related to hazardous materials or hazards; therefore, impacts would be less than significant. Because the MSJC Site has not been formally surveyed for potential hazards resulting from on-site conditions or assessed for potential risks from hazards that may result from future residential development, potential significant impacts may result from future development of the MSJC Site and mitigation is required.

Finding

The programmatic analysis of the MSJC Entitlements related to hazards and hazardous materials is provided in Section 5.4.9 of the Draft EIR. The City finds that because the MSJC Entitlements do not propose physical development on the Site at this time, there will be no significant impact related to hazardous materials, airport plan, emergency response plans, or wildland fires. The City also finds that subsequent development of the MSJC Site with residential uses could result in potential impacts related to hazards and hazardous materials, and that implementation of MSJC Mitigation Measures HAZ-1 through HAZ-3 is required. These measures require the preparation of a project specific Phase 1 Environmental Site Assessment and the provision of evidence that the compliance measures identified in this report are satisfied, implemented, or incorporated into the design of any future residential uses (MSJC MM HAZ-1 and HAZ-2). The City finds that implementation of these measures would mitigate impacts to less than significant. Furthermore, MSJC MM HAZ-3 requires the development of a project-specific Fire Protection Plan, the incorporation of mitigation from and compliance with that plan, including incorporating required features into the project design, and finds that this mitigation would lessen any potential impacts to less than significant. The City has determined the identified mitigation measures are feasible, adopted, and will reduce hazardous material/hazard impacts resulting from subsequent development of the MSJC Site to less than significant.

Substantial Evidence

The MSJC Entitlements themselves do not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could occur at some future point in time. It reasonably can be anticipated that construction associated with future development could involve the use of potentially hazardous materials, such as vehicle fuels and fluids, which could be released should a leak or spill occur. These materials are commonly used at construction sites, and the construction activities would be required to comply with applicable State and federal regulations for proper transport, use, storage, and disposal of excess hazardous materials, including compliance with the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and California Code of Regulations Title 22. It is further reasonable that future residential uses would use and store household hazardous materials (e.g., household cleaners, paints, fuel, etc.) and that future residents would use such materials in the manner prescribed by the manufacturer. Because adoption of the MSJC Entitlements would not result in the direct transport, storage, or use of hazardous materials, no impact would occur. Any future development proposal would be required to comply with applicable conditions of approval and regulatory compliance measures identified in Section 4.9 of the Draft EIR that would be imposed, and the potential impacts from the transport, use, storage, and disposal or the release due to upset or

accident of hazardous materials would be less than significant (Draft EIR Section 5.4.9.1). The MSJC Entitlements themselves do authorize any development on the MSJC Site and none is proposed at this time; therefore, the entitlement actions would not result in use of hazardous materials within 0.25 mile of a school. The MSJC campus is located on 8.3 acres of the MSJC Site, on which a school site is located. Hemmering Elementary School is located approximately 0.9 mile north (across I-10). Unlike commercial or industrial development, residential uses do not generate, use, store, or transport large quantities of hazardous materials. During construction, typical hazardous materials in use include fuels, lubricants, solvents, architectural coatings, and similar substances. During occupation of residential uses, hazardous substances in use may include vehicle fuel, household cleaners, paint, and similar items. It is reasonable to conclude the use of any hazardous material during construction or occupation of any residential uses developed after adoption of the MSJC Entitlements would conform to legally applicable safeguards. Adherence to these safeguards would limit the release into the environment; therefore, no significant impact would occur.

The MSJC Site was evaluated via the SWRCB GeoTracker database, the DTSC's EnviroStor database, and the Cortese List for the purposes of identifying recognized environmental conditions or historical recognized environmental conditions. Based on the review of these databases, there are no known conditions on site that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the MSJC Site. The MSJC Site does not currently contain any recognized environmental conditions or historical recognized environmental conditions (Draft EIR, pg 5-40). Any future residential development project proposed on the MSJC Site would be required to conduct project-level review, including preparation of a project-specific Phase 1 Environmental Site Assessment to confirm the presence or absence of any known or previously unknown hazardous materials sites on, adjacent, or within the reporting vicinity of the MSJC Site. MSJC Site Mitigation Measures HAZ-1 and HAZ-2 require the preparation of a project specific Phase 1 Environmental Site Assessment and the provision of evidence that the compliance measures identified in this report are satisfied, implemented, or incorporated into the design of any future residential uses, respectively. The implementation of these measures will ensure potential impacts related hazardous waste sites are reduced to a less than significant level (Draft EIR, pg, 5-42). The MSJC Site is located approximately 3.0 miles west of the Banning Municipal Airport. As the MSJC Site is located outside the boundaries of any Airport Influence Area or Height Review Overlay established for Banning Municipal Airport, no airport hazard to future residential uses on the MSJC Site would occur (Draft EIR, pg, 5-43).

According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Gorgonio Avenue/SR-243 and its interchange with I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response. Any subsequent residential development would be reviewed by the City, which would require that site preparation, grading, and construction activities maintain appropriate access along local roadways or to surrounding properties. Review and approval of site-specific plans by the City and Riverside County Fire Department would ensure all roadways and structures within the MSJC Site would be developed to applicable emergency access standards. Any development of VHDR uses would

also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Site for emergency vehicles. Furthermore, such requirements would ensure appropriate access to/from any future residential development that conforms to applicable City and RCFD standards, and ensures impacts related to emergency access remain less than significant (Draft EIR Sections 5.4.9.2 and 5.4.20.2).

Adoption of the proposed MSJC Entitlements will not result in any construction of residential units or the installation of infrastructure that would exacerbate wildfire risk. The MSJC Site is located within a wildlands urban interface, according to CalFire's Fire Hazard Severity Zone map. Except for existing campus buildings and ancillary features, the MSJC Site is undeveloped, and the MSJC Site is located within a Local Responsibility Area (LRA) and is designated as a non-Very High Fire Hazard Severity Zone (VHFHSZ). While not located within an identified very high fire hazard severity zone (VHFHSZ), the MSJC Site is located approximately one mile from two separate VHFHSZ areas and is located within a WUI. The construction and occupation of future residential uses on the MSJC Site could potentially increase the exposure of persons and/or property to wildfire hazards. As required by the City's development review process, any such development would be evaluated for wildfire safety when a proposed for physical development of VHDR units is proposed to the City. Future proposals for development within the MSJC Site would be subject to adopted federal, State, and local development guidelines in existence at that time that govern wildfire, emergency services, and emergency access, including Chapter 8.16 of the City's Municipal Code (which, as amended by the City, incorporates the current California Building and Fire Codes). To address the specific wildland impacts to the MSJC Site, a development specific Fire Protection Plan (FPP) will be required to identify the condition and wildland fire potential at the time MSJC Site development occurs (see MSJC MM HAZ-3). Such an FPP Plan would conform to City and RCFD requirements. Adherence to these measures will ensure potential wildfire impacts related to potential future VHDR development on the MSJC Site are reduced to a less than significant level. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur (Draft EIR Sections 5.4.9.2 and 5.4.20.2).

8.1.10 Hydrology and Water Quality

Impact Statement: The MSJC Entitlements or subsequent development of the MSJC Site would not result in a significant impact related to hydrology or water quality.

Finding

The City finds that the MSJC Entitlements themselves would not result in a physical disturbance; therefore, there would be no impacts related to hydrology and water quality. The City further finds that subsequent development of the MSJC Site may result in potentially significant hydrology and water quality impacts. The City finds that for proposed future development, the Regulatory Compliance Measures (RCMs) which require compliance with National Pollutant Discharge Elimination System (NPDES) requirement (MSJC Site RCM WQ-1); preparation of a site-specific Water Quality Management Plan (WQMP) and implementation of the design features identified therein (MSJC Site RCM WQ-2)[and preparation of a site-specific site Hydrology and Hydraulic Analysis and incorporation of the required drainage features cited in said study (MSJC Site RCM WQ-3) would

ensure impacts relative to hydrology and water quality fault would not be significant; therefore, no mitigation is required.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Development of the MSJC Site after the proposed land use actions could potentially impact surface or ground water quality due to erosion related to earth disturbance activities and runoff from paved surfaces. Chapter 13.24 (Stormwater Management System) of the City's Municipal Codes, requires the implementation of stormwater pollution prevention and control for construction activities. Review of project-level construction plans by the City would, as appropriate, identify the specific project design features, or other conditions required to conform to the City's NPDES program (MSJC Site RCM WQ-1), including preparation of a SWPPP and Erosion and Sediment Control Plans and implementation of construction BMPs (MSJC Site RCM WQ-2), and preparation of a site-specific Hydrology and Hydraulic Analysis (MSJC Site RCM WQ-3). These are standard regulatory compliance measures required of all development in the City to reduce the potential for violation of water quality standards or waste discharge requirements during construction, or significant impacts from construction and development; therefore, the impact from future development of VHDR would be less than significant (Draft EIR, pg 5-46).

The City's primary water supply is groundwater. While the proposed MSJC Entitlements will allow the development of up to 1,181 residential units on the MSJC Site, it must be noted that this residential water demand has previously been anticipated under the City's 2020 Urban Water Management Plan and is included in the WSA prepared for the Development Project. Both documents show sufficient water supplies for development of up to 1,181 residential units that may result from adoption and development of the MSJC Entitlements. The WSA calculates water supply for the maximum 1,181 residential units at 734 AFY, and sufficient 20-year supplies in normal, dry, and multiple dry years to serve these units if the MSJC Site is ultimately developed. Therefore, development of the MSJC Site per the proposed land use actions would not significantly deplete groundwater. Future development of the MSJC Site would conform to the design features and BMPs identified in a site-specific WQMP (see MSJC Site RCM WQ-2). It is reasonable to anticipate that these features, incorporated into the design of any future residential development on the MSJC Site, will include retention features to allow the continuation of appropriate amount infiltration on the MSJC Site; therefore, no significant interference with groundwater recharge would result from adoption of the proposed MSJC Entitlements or subsequent development of the MSJC Site (Draft EIR Section 5.4.10.2).

Two drainage features traverse the MSJC site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. A smaller, secondary drainage course enters the property from a storm drain outlet located approximately 400 linear feet east of the intersection of Sunset and Westward Avenues and joins Pershing Creek approximately 700 feet south of the MSJC Site. Based on the FEMA maps for the City of Banning (FIRM Panels 06065C0816G and 06065C0817G), Pershing Creek is located in Flood Hazard Zone A. Flood Hazard Zone A areas are subject to inundation by the 1-percent-annual-chance flood event. Per the FIRM Panels, the unnamed drainage is identified as an "an area of undetermined flood hazard." Pursuant to MSJC Site MM BIO-5 (see Section 8.1.4 of these Findings), future development that may occur on the MSJC would avoid

the on-site drainages to the extent practicable, providing appropriate buffer areas to separate these features from any development. Future development's contribution to future drainage and flooding impacts would be identified through a site-specific analysis based on the type and location of said development. To ensure a thorough assessment of potential drainage related impacts, MSJC Site RCMs WQ-2 and WQ-3 require the preparation of a site-specific Water Quality Management Plan and Hydrology and Hydraulic Analysis. As future development on the MSJC Site will require that the specific recommendations and design features identified in reports be incorporated into future development, it is reasonable to anticipate that potential water quality concerns regarding erosion and runoff/flooding concerns would be appropriately mitigated, and that design features implementing low impact development requirements (MSJC Site RCM WQ-3) would minimize impacts from a potential flood impact such that the release of pollutants from a flood event also would be less than significant. However, since no development is planned because of City adoption of the MSJC Entitlements, no significant impact is anticipated from adoption of the proposed entitlements (Draft EIR, pg 5-47).

As the MSJC Site is not located adjacent to or near the ocean, or enclosed closed bodies of water, it would not be susceptible to impacts associated with a seiche, or tsunami; therefore, no impact would occur (Draft EIR Section 5.4.10.2).

The MSJC Site is within the jurisdiction of the Colorado River Regional Water Quality Control Board, which maintains a Basin Plan that designates beneficial uses for all surface water and groundwater within its jurisdiction and establishes the water quality objectives and standards necessary to protect those beneficial uses. Adoption of the MSJC Entitlements would not result in any physical impact to a water quality or applicable groundwater management plan. Residential uses that may occur on the MSJC Site after approval of the MSJC Entitlements could result in discharge of that have the potential to impact water quality. Development of the MSJC Site with VHDR uses would be required to comply with the requirements of the Whitewater River Watershed MS4 Permit and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development. Compliance with the measures and design features identified through MSJC Site RCMs WQ-1 and WQ-2 would ensure that future development of residential uses on the MSJC Site does not degrade or alter water quality, cause receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, no conflict with the Basin Plan would occur and impacts from future VHDR development would be less than significant. Since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact on a water quality control plan would result from adoption of the proposed entitlements (Draft EIR 5-47 and 5-48).

In January 2022, the San Gorgonio Pass Groundwater Sustainability Agency adopted[14] the Groundwater Sustainability Plan for the San Gorgonio Pass Subbasin, which identifies projects and management actions to conserve water, capture stormwater, and recharge imported water. Apart from existing MSJC facilities, the site is undeveloped and permeable to groundwater infiltration. As development occurs on the MSJC Site, the permeable surfaces would be replaced with buildings and

[14] San Gorgonio Pass Subbasin Groundwater Sustainability Agency. 2022. San Gorgonio Pass Subbasin Groundwater Sustainability Plan, Appendix B, Noticing and Adoption Documentation. January. Website: https://www.sgpgsas.org/wp-content/uploads/2022/01/Final_SGPGSP_1230_2021-web.pdf.

paved surfaces, reducing potential recharge area. It is anticipated, subject to the design parameters of a site-specific WQMP (see MSJC Site RCM WQ-2) prepared for development on the MSJC Site, the MSJC residential specific plan project WQMP could identify retention of on-site storm flows allowing for continuation of appropriate infiltration. The 2020 UWMP and Project WSA show sufficient water from all City supplies to serve up to 1,181 residential units if the MSJC Site is developed with these units, and the City's 2020 UWMP accounted for water supply for these units. Therefore, it is not anticipated that future development of residential uses on the MSJC Site as contemplated by the MSJC Entitlements would significantly obstruct the Groundwater Sustainability Plan for the San Gorgonia Pass Subbasin. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact is anticipated from adoption of the proposed entitlements (Draft EIR, pg 5-48).

8.1.11 Land Use and Planning

Impact Statement: As the MSJC Entitlements and any subsequent development that may occur pursuant to the MSJC Entitlements would not significantly divide any community or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; therefore, no impact would occur.

Finding

The programmatic analysis of the MSJC Entitlements related to land use/planning is provided in Section 5.4.11 of the Draft EIR. The City finds that neither adoption nor implementation of the MSJC Entitlements would result in significant impacts related to land use/planning; therefore, no mitigation is required.

Substantial Evidence

Any future development on the MSJC Site would likely front Westward Avenue, which will tie into the Sun Lakes Boulevard Extension, ensuring continued access through the southern portion of the City. The MSJC Entitlements provide for a continuation of the pattern of residential development along Sunset Avenue, north of Westward Avenue, and further east along Westward Avenue. No significant division of a community or incompatibility with existing residential uses would result from approval of the MSJC Entitlements or subsequent development of the MSJC Site (Draft EIR, pg 5-51).

The MSJC Entitlements themselves do not include the development of residential uses, though VHDR residential development could occur on the MSJC Site at some future point in time following adoption of the required specific plan. The City's General Plan Land Use Element Policy 1 requires the City provide a range of housing densities while considering land use compatibility with non-residential land uses. The proposed MSJC Entitlements will change the current general plan and zoning designation of the MSJC Site from Public Facilities to Very High Density Residential, allowing a minimum capacity of not less than 1,146 residential units and a maximum of 1,181 units. The MSJC Entitlements would allow the potential development of very high-density residential units that will provide greater diversity of housing across income levels and housing types including affordable housing opportunities. The MSJC Entitlements ensure no net loss of residential capacity in the City and provide alternative housing opportunities for a broader segment. The proposed entitlements or any subsequent development that may occur on the MSJC Site would not be inconsistent with this

policy. In addition, the MSJC Entitlements would be consistent with the nearby residential development, the school use currently on the site, and the commercial development and job opportunities afforded by the commercial and industrial development on the Development Site and consistent with this policy. The City's General Plan Land Use Element Policy 2 requires that projects adjacent to existing neighborhoods be carefully reviewed to assure that neighborhood character is protected. Existing single-family residential neighborhoods are located north of Westward Avenue and further west along Westward Avenue. The RSG project, an 831-acre master planned community located south of the MSJC Site, aims to provide up to 3,385 residential units of variety of residential densities, lot types and housing types is located directly south of the MSJC Site. Areas within the RSG project adjacent to the MSJC Site are planned for Medium High Density Residential (18.0 units/acre) residential uses and Neighborhood Commercial uses. Under the RSG project, MHDR residential use may include duplex, row townhome, attached cluster, and multi-family flat products.[15] (See Draft EIR, pg 5-51.) The density of proposed residential uses on the MSJC site is similar to that previously planned and approved for the RSG project located south and east of the MSJC Site, and would be complementary to the existing campus uses, as well as the employment and commercial opportunities provided by the Development Project located west across Sunset Avenue. Therefore, adoption of the MSJC Entitlements or subsequent residential development on the MSJC Site would be consistent with this Land Use Element Policy 2. Future residential development occurring on the MSJC Site would be accomplished through a specific plan. The required future specific plan would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape plans. Through its review by the City, the required future specific plan would be consistent with the zoning for VHDR residential districts which allows for clustered housing, open space, common area amenities, etc. The required future specific plan, reviewed and adopted by the City, would be subject to the guidelines established by a specific plan that would need to be approved consistent with applicable City policies for the creative and flexible design of residential project. Any subsequent development on the MSJC Site in conformance with the future specific plan would also be consistent with City General Plan policies and guidelines. Therefore, no inconsistency with City General Plan Land Use Policy 6 requiring creative and flexible design for residential development would result from the adoption of the MSJC Entitlements or subsequent development of VHDR uses on the MSJC Site (Draft EIR, pg 5-52).

8.1.12 Mineral Resources

Impact Statement: The MSJC Entitlements would not result in a significant impact to mineral resources.

Finding

The programmatic analysis of the MSJC Entitlements related to mineral resources is provided in Section 5.4.12 of the Draft EIR. The City finds that neither adoption nor implementation of the MSJC Entitlements would result in significant impacts related to mineral resources; therefore, no mitigation is required.

[15] RBF Consulting. 2015. Rancho San Gorgonio Specific Plan. January.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site; however, residential development could be authorized in the future following adoption of a specific plan. The MSJC Site is mapped as MRZ-3, though it can be reasonably inferred that mineral resources of importance to the region or State are not located on the site because: (1) a review of historic areas from 1966 onward does not indicate any evidence that mineral resources recovery has occurred on the MSJC Site, and (2) the State Mining Board does not designate the MSJC Site as a regionally significant Portland cement concrete (PCC)-grade aggregate resource nor does the City's General Plan designate the MSJC Site as a mineral resource land use designation that allows for mineral extraction. No evidence suggests significant mineral resources are located on the MSJC Site and neither the State nor City has designated the site for mineral recovery. Therefore, approval of the MSJC Entitlements and any subsequent residential development would not impact the availability of a known or valuable mineral resource.

The Banning Quarry, operated by Robertson's Ready Mix, is the only aggregate producer in the City. This quarry is mined for rock, sand, and base materials used for concrete and construction. The quarry is located approximately 2.8 miles northeast of the MSJC Site. Adoption of the proposed MSJC Entitlements or subsequent development of the site would not conflict or interfere with a locally important mineral resource at the Banning Quarry or other mineral extraction site delineated on any City planning document.

8.1.13 Noise and Vibration

Impact Statement: The MSJC Entitlements themselves would not result in a physical disturbance or change of activity on the MSJC Site; therefore, no noise impacts would result from these actions and no impact would occur. No significant airport noise impact would occur to future residential uses on the MSJC Site. Subsequent development of the MSJC Site would generate a potentially significant increase in ambient and excessive vibration noise during construction, and a potentially significant increase in ambient noise from occupation of VHDR uses; therefore, implementation of mitigation related to potential ambient noise increase and excessive vibration is required.

Finding

The programmatic analysis of the MSJC Entitlements related to noise and vibration is provided in Section 5.4.13 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in a physical disturbance or change of activity on the MSJC Site, and no noise impact would occur. The City finds that subsequent development of the MSJC Site with VHDR use could potentially generate a significant construction or operational noise or vibration impact; therefore, implementation of MSJC Mitigation Measure NOI-1 requiring preparation of project-specific noise assessment and the submittal of evidence that any subsequent residential development project on the MSJC Site incorporates the features and measures necessary detailed in the assessment is required. The City has determined the identified mitigation measure is feasible, adopted, and will reduce noise impacts resulting from subsequent development of the MSJC Site to less than significant.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site, and none is proposed at this time; therefore, no noise impact would result from adoption of the MSJC Entitlements themselves. Future residential development could occur on the MSJC Site following adoption of a specific plan. The construction and occupation of VHDR uses on the MSJC Site would generate noise that may be perceptible at adjacent noise sensitive uses. Noise generated during construction is dependent on the type, duration, location, and intensity of use of construction equipment and will vary during development within the MSJC Site. Typically, construction noise levels would reach up to 85 dBA Lmax (82 dBA L_{eq}) at 50 feet. Ambient noise levels at the corner of Sunset and Westward Avenues are 55.5 dBA CNEL. Construction noise would contribute 2.2 dBA to this level. Such an increase would not be perceptible to the human ear in an outdoor environment. In compliance with the City's General Plan and Municipal Code, construction activities would be limited to the hours between 7:00 a.m. and 6:00 p.m. and the maximum permissible noise level for construction activities of 55 dB(A) can be exceeded only for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

Because the proposed MSJC Entitlements would not result in any physical development as a result of adoption, no generation of a substantial temporary or permanent increase in ambient noise levels in the city would result and no impact would occur. As established in Table 4.13.U of the Draft EIR, traffic noise along Westward Avenue (east of Sunset Avenue) under the 2045 condition was estimated at 56.9 dBA CNEL, which would not exceed the City's CNEL noise standard (65 dBA). Operation of future residential units on the MSJC Site would likely result in increased ambient noise levels related to use of equipment (e.g., landscaping or air conditioning. In the absence of a site-specific project design, noise impacts associated with occupancy of the residential units that developed on the MSJC Site are unknown and are potentially significant. An existing 6-foot-high block wall along the northside of Westward Avenue would provide a minimum noise attenuation of 5 dBA of from traffic and on-site noise generated from residential uses developed on the MSJC Site. No such wall currently exists at the existing campus facilities. MSJC Site Mitigation Measure NOI-1 requires preparation of a project-specific noise and vibration impact assessment for City for review and approval. The project-specific noise assessment would identify the measures and features necessary to reduce the levels of noise resulting from the construction and operation of any future residential development on the MSJC Site. It is reasonable to anticipate the future residential development of the MSJC would conform to the mitigation identified and as required by the City (Draft EIR Section 5.4.13.2).

Because MSJC Entitlements themselves would not result in development, no direct vibration impact would occur. The greatest level of potential vibration would occur during site preparation and grading of the MSJC Site. Depending on the type of equipment used during construction, typical levels of vibration may reach 94 VdB (0.210 PPV [in/sec],[16] when measured at 25 feet from the source. This level of vibration would likely exceed the community annoyance threshold of 78 VdB for daytime residences and school uses. This level of community annoyance typically occurs only with the use of vibratory rollers during roadway paving operations, which are temporary and intermittent. Other pieces of construction equipment at the closest building structure would generate lower vibration levels and receptors would experience lower vibration levels because they are farther away. The

[16] Vibration resulting from Vibratory rollers (see Table 4.13.V in Section 4.13 of the Draft EIR).

nearest sensitive receptors are the existing residential structures north of Westward Avenue (50 feet north) and the existing MSJC campus, which is immediately adjacent to the undeveloped portion of the MSJC Site. In the absence of a site-specific project design, vibration impacts resulting from operation of construction equipment are unknown. As required by MSJC Site MM NOI-1, a project-specific noise and vibration impact assessment would be prepared and submitted to the City for review and approval for any proposed development. The rubber tires and suspension systems of on-road vehicles typically provide vibration isolation; therefore, high levels of vibration (e.g., from traffic) occurring during occupation of residential uses that may develop on the MSJC Site would be unusual. The specific impacts of physical development of the MSJC Site would need to be confirmed at the time of proposed development. It is reasonable to anticipate though that vibration levels generated from project construction activities and occupation of VHDR uses on the MSJC Site would be less than significant (Draft EIR Section 5.4.13.2).

The MSJC Site is located approximately 3.0 miles west of the Banning Municipal Airport and more than 2.5 miles outside the 65 dBA CNEL noise contour established for the airport; therefore, future residential uses on the MSJC Site would not be exposed to significant levels of noise and no impact would result from adoption or implementation of the proposed MSJC Entitlements or subsequent residential development (Draft EIR Section 5.4.13.2).

8.1.14 Population and Housing

Impact Statement: The MSJC Entitlements would not result in a significant impact relative to population or housing.

Finding

The programmatic analysis of the MSJC Entitlements relative to population and housing is provided in Section 5.4.14 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in physical development of housing on the MSJC Site, and no impact would occur. The City finds that implementation of the MSJC Entitlements would not result in significant impacts related to population and housing; therefore, no mitigation is required.

Substantial Evidence

The Development Project would amend the General Plan land use designation and rezone 9.0 acres of High Density Residential and 64.5 acres of Medium Density Residential within the Northern Portion of the Development Site. This change in land use designation would result in the reduction of the City's residential inventory by up to 1,146 units. To maintain compliance with applicable provisions of SB 330, the City has initiated a General Plan Land Use Amendment (GPA) and a change to the Official Zoning Map (ZC), to change the land use and zoning on the MSJC Site from PF–S to VHDR, with a density range of 18–24 dwelling units per acre. These changes would create a residential capacity of not less than 1,146 residential units, and up to 1,181 units on the MSJC Site, which offsets the reduction of residential capacity on the Development Site. No significant increase in the inventory of residential units, and therefore no unplanned increase in population, in the City would result from adoption of the proposed MSJC Entitlements or any subsequent development of residential uses on the MSJC Site. The application for MSJC Entitlements does not authorize any development on the MSJC Site, and none is proposed at this time. Any future development would require the

connection/extension of infrastructure onto the previously undeveloped portions of the MSJC Site in order to serve the VHDR uses. The MSJC Site is surrounded by existing (north) and approved residential units (the RSG SP to the south), and the proposed Development Site, and would not require the extension of roads or utility facilities to or through an area where no such facilities current exist.

There are no residential structures or residents currently located either on the MSJC Site. While the proposed MSJC Entitlements would accommodate the subsequent development of VHDR uses on the MSJC Site, as no persons reside on the property, neither the entitlements nor subsequent residential development would displace persons or housing.

8.1.15 Public Services

Impact Statement: No Impact to public services would result from adoption of the MSJC Entitlements; Impacts to public services resulting from future residential development on the MSJC Site would be reduced to below a level of significance upon payment of required DIFs and school impact fees.

Finding

The programmatic analysis of the MSJC Entitlements relative to public services is provided in geology and soils is provided in Section 5.4.15 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in any physical development of housing on the MSJC Site and would not impact public services. The further City finds that the Regulatory Compliance Measures (RCMs) which require site development to provide evidence that applicable and appropriate Development Impact Fees and School Impact Fees are paid, would ensure impacts relative to the provision of public services are less than significant once VHDR units are developed on the MSJC Site, and that no mitigation is required.

Substantial Evidence

The proposed MSJC Entitlements do not increase the number of planned residential units in the City, nor would they result in an unplanned increase in the resident population. Rather, the proposed MSJC Entitlements transfer the residential capacity formerly located on the Development Site to a site located directly adjacent to (across Sunset Avenue) the Development Site.

New development in the City will require the funding of public services and facilities to meet the needs and expectations of the community. Chapter 15.68 (Development Impact Fees) of Banning's Municipal Code identifies requirements to fund required facilities for fire and police protection facilities, general City facilities, traffic control features, parkland and park facilities, and wastewater facilities. California Education Code §17620 allows school districts to levy a fee, charge, dedication, or other requirement against any development project within its boundaries for the purpose of funding the construction or reconstruction of school facilities. Facilities planning is routinely conducted by the City and/or individual service providers to assess needs to maintain adequate service ratios and response times.

Currently, existing public service demand originating from the MSJC Site is limited to that provided to MSJC campus facilities. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; therefore, no direct increase in the demand for public services would result from approval of the MSJC Entitlements. However, residential

development on the MSJC Site could occur in the future. The transfer of residential capacity from the Development Site to the MSJC Site does not represent a significant increase in the number of residential units or increase in unplanned population not previously accounted for in public facility planning or funding programs in City. The City prepared the *Development Impact Fee Update Study* to outline and update development impact fees (DIF) that are imposed on developments built in the City to fund public services. It is the City's intent that the costs representing future developments' share of public facilities and capital improvements be imposed on development in the form of a DIF for Police Facilities, Fire Facilities, Parks and Recreation Facilities, General City Facilities, Wastewater Facilities, and Water Facilities.

Due to the adjacency of the MSJC Site to the Development Site, no increased delay in travel from existing fire protection providers is anticipated. As the City's DIF program has already accounted for the population associated with the residential units on the Development Site, it is reasonable to anticipate that the fire protection fees established in the DIF program adequately provide for any demand for fire protection services that may result from the subsequent development of VHDR uses on the MSJC Site. As the payment of these fees is required for any development in the City, it is reasonable to conclude no significant impact to fire protection service and facilities will result from the proposed development of the MSJC Site with residential uses. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no impact on fire protection services is anticipated from adoption of the MSJC Entitlements (Draft EIR, pg 5-62).

Due to the adjacency of the MSJC Site to the Development Site, no increased delay in police response would occur The City's DIF Impact Study documents the impact fee for police facilities to ensure that new development provides adequate funding to meet the City's needs. The fee impact analysis identifies existing and future service population (residents plus workers) and existing and planned police facilities. The City may use the police facilities fee to pay for the debt service on the existing police facilities and/or for the construction or purchase of buildings, equipment and land that are part of the system of police facilities serving new development. As the DIF program has already accounted for the population associated with the units on the Development Site, it is reasonable to anticipate that the police facilities fee established in the current DIF program (or whatever DIF program is in effect at the time of proposed physical development of residential units) adequately provides for any increased demand for police services that may result from the subsequent development of VHDR uses on the MSJC Site. As the payment of police facility fees is required for any development in the City, a less than significant impact to police service and facilities will result from the future development of the residential units (Draft EIR, pg 5-62).

The Banning Unified School District (BUSD) was operating over capacity in the 2022–2023 school year by 175 students (see Draft EIR, Table 4.15.A). Based on student generation rates detailed in the BUSD's *Fee Justification Report,*[17] existing residential uses on the Development Site would generate a student population of 419 students if 1,146 residential units are constructed, and 432 students if 1,181 residential units are constructed. The MSJC Entitlements would not result in a significant increase in student population, as the proposed action merely transfers the residential capacity and the

[17] The overall student generation rate is 0.3657 student per residential unit. Table VI, District Wide Student Generation Rates, *Banning Unified School District Fee Justification Report for New Residential and Commercial/Industrial Development*, SDFA, May 2020.

corresponding potential increase in student population to a different site within the jurisdictional boundaries of the BUSD. The student generation associated with the proposed MSJC Entitlements and any subsequent development of VHDR uses has already been accounted for in the facilities and fee planning completed by the BUSD. The payment of school fees (as established and ratified by the BUSD) by the applicant for any future residential use developed on the MSJC Site, would provide full mitigation of potential impacts on school facilities that may result from development of VHDR uses on the MSJC Site in the future (pursuant to California Government Code Section 65996). The proposed actions would not significantly increase the number of residential units within the jurisdiction of the BUSD, and with payment of school fees that are required of all development, no significant impact to school facilities would result from subsequent development of VHDR uses on the MSJC Site (Draft EIR, pg 5-63).

The City does not meet its current standard of five acres of parkland per 1,000 residents; however, the MSJC Entitlements would not result in a significant change in the number of residential units in the City since the units are only being transferred from the Development Site to the MSJC Site. As the proposed MSJC Entitlements would not result in the physical development of any residential units, no increase in the demand of park facilities would occur. As is required with all projects, future residential development on the MSJC Site would be required to pay applicable per unit fees to provide for future park facilities, reducing the potential park impacts to a less than significant level (Draft EIR, pf. 5-63).

The City's general government facilities inventory consists of administrative space at City Hall, a corporation yard, and an animal shelter. These facilities serve both residents and businesses. Therefore, demand for services and associated facilities are based on the City's service population including existing and future residents and workers. The proposed MSJC Entitlements do not significantly increase the number of residential units in the City, nor would they result in an unplanned increase in the resident population. The City's Development Impact Fee Update Study documents the impact fee for general city facilities to ensure that new development provides adequate funding to meet City needs. As the DIF program has already accounted for the population associated with the units on the Development Site, it is reasonable to conclude the fee for government facilities established in the DIF program adequately provides for any increased demand for these facilities. Furthermore, as the payment of DIF fees is required for any development in the City, it is reasonable to conclude no significant impact to government facilities resulting from physical development of residential units on the MSJC Site would occur (Draft EIR Section 5.4.15.2).

The Banning Library District (BLD), a California Special District, is funded by property tax revenue. The annual estimate of costs of BLD operations is furnished to Riverside County and the tax required to fund library functions is computed, entered upon the tax rolls, and collected in the same manner as County taxes are computed and collected. All money collected is sent to County treasury to the credit of the BLD. The proposed actions would not alter this funding mechanism; therefore, no significant impact would result from the subsequent development of VHDR uses on the MSJC Site, and no impact would result from the proposed adoption of the MSJC Entitlements (Draft EIR, pg 5-64).

8.1.16 Recreation

Impact Statement: The MSJC Entitlements would not result in a significant impact relative to the provision of recreation facilities or services.

Finding

The programmatic analysis of the MSJC Entitlements relative to recreation facilities is provided in Section 5.4.16 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in the development of housing on the MSJC Site, and no impact to recreation would occur. The City finds that with compliance with MSJC Site RCM REC-1, implementation of the MSJC Entitlements would not result in significant impacts related to recreational facilities or services; therefore, no mitigation is required.

Substantial Evidence

The application for MSJC Entitlements does not authorize any development on the MSJC Site at this time; therefore, no increased demand for recreation facilities would occur.

The City's General Plan identifies a standard of five acres of parkland per 1,000 residents. Population estimates from July 2022 indicate the population of Banning is 30,683 residents. As the MSJC Entitlements merely move the location where residential development could occur; the transfer of residential capacity from the Development Site to the MSJC Site would not cause an unplanned increase in residential units or population in the City that was not previously accounted for in planning or funding programs for park and/or recreation facilities. Chapter 15.68 (Development Impact Fees) of Banning's Municipal Code identifies requirements to fund required public facilities, including parkland and recreation facilities. Any future residential development project on the MSJC Site would be required to pay applicable per unit development impact fee (DIF) to provide for future parks and park services, and no significant impact from the VHRD development would occur.

As no specific development for the MSJC Site is proposed at this time, it is not known if public recreation facilities will be provided on the MSJC Site. As permitted by the City, future development on the MSJC Site may dedicate and/or improve on-site areas for public recreation purposes. The extent to which any such on-site dedication/improvement exempts development from or lessens the amount of payment of required park fees would be determined at the time a development proposal for the MSJC Site is provided to the City. Compliance with dedication requirements or payment of required park fees would ensure demands on recreation facilities resulting from development of VHDR uses on the MSJC Site would not be significant.

8.1.17 Transportation

Impact Statement: The MSJC Entitlement themselves would not result in activity that would cause a physical change in the environment or any transportation-related impact. Future development of the MSJC Site Due to the unknown nature of subsequent development of the MSJC Site, there is a potential the development of VHDR uses may result in a significant transportation impact under CEQA Guidelines section 15064.3 and mitigation could be required.

Finding

The programmatic analysis of the MSJC Entitlements relative to transportation is provided in Section 5.4.16 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in physical development on the MSJC Site, and no transportation impacts would occur. The City finds that while transportation impacts from future development of the MSJC Site are not fully known,

there is a potential that transportation impacts may occur under CEQA Guidelines section 15064.3. The City finds that implementation of MSJC Mitigation Measures TRA-1, requiring the study of development-specific impacts and identification of appropriate measure to reduce any significant impacts, is required. The City further determines this mitigation is feasible, required, and appropriate to reduce transportation impacts associated with subsequent development of the MSJC Site.

Substantial Evidence

CEQA Guidelines Section 15064.3 states that vehicle miles traveled (VMT) is the appropriate measure of transportation impacts used in CEQA documents.

The City has identified a number of VMT screening criteria, which if satisfied on a project level, would result in a less than significant VMT impact. The development of VHDR uses on the MSJC Site alone does not appear to meet these screening criteria, though this determination could change based on other factors such as if the future project includes affordable housing, provides on-site uses (e.g., commercial/service uses) that reduce vehicle trips, includes connections to quality transit, or other criteria. Without a specific development proposal, it is not possible to determine if any future development of residential units on the MSJC Site could satisfy any of the City's VMT screening criteria. The screening of any future VMT impact would be conducted when an application for development physical development of the site is proposed. MSJC Mitigation Measure TRA-1 requires the preparation of a MSJC Site-specific traffic assessment and VMT analysis that identifies potential impacts and the appropriate and applicable measures to address potential traffic deficiencies and/or impacts resulting from development of the MSJC Site. However, while the proposed MSJC Entitlements would accommodate a transfer of residential density from the Development Site to the MSJC Site, this would not result in a significant increase in residential units or unplanned population beyond that previously considered by the City in its development of its VMT Guidelines. The proposed MSJC Entitlements would not result in the movement of residential capacity to an area of the City that would substantially increase trip lengths (vehicle miles traveled) due to the proximity of the MSJC Site to the Development Site. Therefore, no significant impact on VMT would result from adoption of the MSJC Entitlements.

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; therefore, the MSJC Entitlements themselves would not increase traffic, congestion, or be inconsistent with the General Plan Circulation Element. Specific improvements may be required for any subsequent residential development on the MSJC Site. The type and location of required improvements would be determined through the preparation of a project-specific traffic analysis. Any necessary improvements analysis may be funded through a combination of fee payments to established programs, construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Funding programs may include: the Riverside County Transportation Uniform Mitigation Fee (TUMF) program; City of Banning Development Impact Fee (DIF) program, and Measure A funds. TUMF is a regional mitigation fee program and is imposed and implemented in every jurisdiction in Western Riverside County. The City requires new development proposals to pay the requisite City DIF fees at the rates in effect when specific physical development is undergoing review, and the timing of fee determination and payment is specified by City ordinance. Absent preparation of a study to assess potential transportation impacts from a specific VHRD proposal on the Site, it cannot be determined whether VHDR development could

result in a significant impact or whether payment of required fees and compliance with City requirements would result in a less than significant impact with mitigation.

As no development of the MSJC Site is planned at this time, the proposed MSJC Entitlements would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and no impact would result. Any future development of the MSJC Site, like other development activity in the City, would adhere to applicable General Plan Circulation Element policies related to the design, installation, and maintenance of required circulation features, including those promoting or improving and/or accommodating pedestrian, bicycle, and transit access. Future development permitted on the MSJC would be reviewed on a project-specific level for potential transportation-related impacts. Required improvements or mitigation to address any impacts to roadways associated with development of the MSJC Site would be identified during such project-specific review. Similarly, adoption of the proposed MSJC Entitlements is not a physical project that would alter any facility or inhibit the City's Emergency Operations Plan. As subsequent residential development occurs, it is reasonable to City review of any future residential development proposed for the MSJC Site would ensure appropriate access to/from any future residential development conforms to applicable City standards. Therefore, no significant constriction of an emergency response plan or evacuation route would result from future VHDR development on the Site, and no impact would result from adoption of the MSJC Entitlements.

8.1.18 Tribal Cultural Resources

Impact Statement: The MSJC Entitlements themselves do not include a physical component that has the potential to disturb or other impact tribal cultural resources; therefore, impacts resulting from approval of the MSJC Entitlements would be less than significant. Because the MSJC Site has not been formally surveyed and because physical development-specific tribal consultation has not occurred, there is a potential that future development of the MSJC Site with residential units could impact Native American cultural resources and mitigation is required.

Finding

The programmatic analysis of the MSJC Entitlements related to cultural resources is discussed in Section 5.4.18 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in a physical disturbance, and therefore, impacts to tribal cultural resources from adoption of these entitlements would be less than significant. The City further finds that subsequent development of the MSJC Site with VHDR uses could potentially impact tribal cultural resources; therefore, implementation of MSJC Mitigation Measure CUL-1, including the application of Standard City Measures CUL-1 through CUL-6 as appropriate, would be necessary to reduce the potential impacts to tribal cultural resources to a less than significant level. The City has determined the identified mitigation measures are feasible, adopted, and will reduce impacts to tribal cultural resources resulting from the MSJC Entitlements or subsequent development of the MSJC Site to less than significant.

Substantial Evidence

The City requested SB 18/AB 52 consultation from 31 Native American contacts on August 25, 2022, specifically identifying the proposed General Plan Amendment, Zone Change and Specific Plan Overlay

for the MSJC Site. The City stated in its consultation request that these actions propose only changes to the City's land use and zoning maps, no construction or physical alterations are proposed or will be authorized under the MSJC Entitlements. The City received two (2) responses to its consultation request. The Morongo Band of Mission Indians (MBMI) acknowledged that the City only proposes the land use changes and that no construction or physical alterations would occur under these actions. While the MBMI did not have comments, the Tribe noted that any construction or alterations proposed on the MSJC Site would be of interest to the MBMI under SB 18 and AB 52 because the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City.

While the records search did not identify any prehistoric resources in proximity to the MSJC Site, the site itself has not been formally surveyed. An 1856 plat map shows a north/south-trending trail identified as an "Indian Trail" situated approximately 0.75 mile to the east. In addition, the presence of multiple natural sources of water in proximity to the MSJC Site, including Pershing Creek, elevate the potential for prehistoric resources in the area.

The adoption of the MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to tribal cultural resources from adoption of these entitlements would be less than significant. The MSJC Site has been identified as an area of interest to the MBMI and a potential exists that development activities on the site may encountered previously unknown or undetected Native American cultural material. As established in MSJC Site MM CUL-1, a site-specific cultural resource assessment is required prior to the commencement of any on-site ground disturbance on the MSJC Site. This measure requires preparation of a Cultural Resources Assessment by a Secretary of the Interior (SOI) qualified professional which would include, but not be limited to, (1) an updated archaeological records search, (2) an intensive pedestrian survey of the MSJC Site, (3) an evaluation of significance of any cultural resources identified, and (4) the preparation of a Phase I report of the findings with recommendation and potential mitigation. Based on the outcome of any required cultural resource assessment, further compliance with the City's standard cultural resource mitigation measures CUL-1 through CUL-6 (as detailed in Draft EIR, Section 4.5.6.1, page 4.5-17 through 4.5-19) may be required. These standard measures would, (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties.

In the event cultural material is identified prior to or during ground disturbance, procedures outlined in Mitigation Measures CUL-1 to CUL-6 will be followed, as appropriate. Therefore, any subsequent development of VHDR uses on the MSJC Site is not expected to cause a substantial adverse change in the significance of a tribal cultural resource defined as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with

cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k).

8.1.19 Utilities

Impact Statement: No impact results from the adoption of the MSJC Entitlements. A less than significant impact related to the provision of utility services would result from any subsequent development of the MSJC Site.

Finding

The programmatic analysis of the MSJC Entitlements related to utilities and service systems is provided in Section 5.4.19 of the Draft EIR. The City finds that approval of the MSJC Entitlements would not result in physical development of housing on the MSJC Site, and no impact to utilities would occur. The City further finds that implementation of the MSJC Entitlements would not result in significant impacts related to utility and service systems; therefore, no mitigation is required.

Substantial Evidence

Existing public service demand originating from the MSJC Site is limited to that provided to MSJC campus facilities. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. Development of the MSJC Entitlements is not expected to significantly increase the number of residential units in the City because the MSJC Entitlements merely shift the location of their potential development from the Development Site to the MSJC Site. The various utility providers have accounted for these units in existing demand/capacity. The MSJC Entitlements are not creating new demand, but merely slightly shifting where that demand will originate from. Because it is unknown when development of the residential units would occur, it is possible that utility demands and need for supporting infrastructure may change in the future. At the time actual physical development is proposed, improvements to water, wastewater, and stormwater conveyance facilities, electrical and natural gas infrastructure, and telecommunications infrastructure may be required. The type, manner, and location of any such improvements and/or connections would subject to development-specific review by the City, and any required mitigation would be imposed at that time. It would be expected that such mitigation would cause any potential impacts to be less than significant. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur (Draft EIR, pg 5-75).

Per the Water Supply Assessment (Draft EIR, Appendix K), the maximum 1,181 VHDR units contemplated by the MSJC Entitlements would require a water demand of approximately 734 acre-feet/year (af/yr). This annual water demand can be sufficiently accommodated in normal, single dry, and multiple dry years (see Draft EIR, Appendix K, Tables 11-13) as required by Water Code Section 10910 et seq., thereby, ensuring that no significant impact related to the provision of water would result from the development of VHDR on the MSJC Site. As required by the City of all development, connection fees and any other conditions or requirements for connecting to the City's water system would be paid and/or satisfied after a formal proposal for physical development of the VHDR units is submitted to the City (Draft EIR Section 5.4.19.2).

The MSJC Entitlements themselves would not impact wastewater facilities or the provision of wastewater services, as the transfer of residential density from one site to a different site would not generate any wastewater flows. The City's Wastewater Reclamation Facility (WRF) has a daily intake capacity of 3.5 million gallons of wastewater and is currently operating at an intake of 2.0 million gallons of wastewater per day. The wastewater generation rates for High-Density Residential Uses is 1,260 gallons/day per acre (gpd/ac).[18] Using this generation rate, wastewater flows from developed uses on the MSJC Site would total approximately 61,992 gallons per day (gpd), or approximately four percent of the of the City's current surplus wastewater treatment capacity. It is reasonable to anticipate that future residential development on the MSJC Site would not exceed the current City wastewater treatment capacity.[19] Therefore, no significant wastewater treatment capacity impact would result from the development of VHDR uses on the MSJC Site (Draft EIR, pg 5-76).

The City contracts with Waste Management, Inc. for solid waste collection service from residential, commercial, and industrial uses within the City limits. Three landfills serve the City: Badlands Sanitary Landfill, Lamb Canyon Sanitary Landfill, and El Sobrante Landfill. These landfills have a maximum combined permit capacity of 79.6 million tons of solid waste, and a combined remaining capacity of 38.8 million tons (10,200 tons per day). Based on an actual generation rate[20] of 5.6 pounds/day/person, approximately 8.27 tons of solid waste per day conservatively could be generated if VHDR uses are developed on the MSJC Site at some future point in time. This level of waste represents 0.08 percent of currently permitted daily throughput at receiving landfills (see Draft EIR, Table 4.19.F). The City's per capita disposal rate (5.6 pounds/day/person) is below the target of 6.1 pounds/person/day for residents and 30.4 pounds/person/day for employees established by CalRecycle. The City is in compliance with goals and State mandates for solid waste disposal, collection, and diversion. Household waste recycling services are also provided through the City to comply with State-mandated solid waste reduction goals. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site or generate solid waste, no impact related to this issue will occur. Subsequent development of the MSJC Site with residential uses would not exceed receiving landfill capacity impair the attainment of local or State solid waste reduction goals; therefore, a significant solid waste impact would not result from future development of VHDR on the MSJC Site (Draft EIR Section 5.4.19.2).

8.1.20 Wildfire

Impact Statement: The MSJC Entitlements would not result in physical development of the MSJC Site, and would not substantially impair an emergency evacuation plan, exacerbate wildfire risks, or expose people or structures to significant risks from post-fire slope instability. Therefore, impacts resulting from adopting the MSJC Entitlements would be less than significant. Because the type, density, and

[18] City of Banning. 2018. *City of Banning 2018 Integrated Master Plan (IMP) Final Report*, Chapter 3, Table 3.19 Wastewater Flow Factors, page 3-28.

[19] The City's Integrated Master Plan includes assumptions for development of residential units previously proposed as part of the Five Bridges Project (which is located within the limits of the current Development Site).

[20] California Department of Resources Recycling and Recovery (CalRecycle). n.d. Jurisdiction Diversion/ Disposal Rate Detail, Jurisdiction: Banning, County: Riverside, Reporting Year: 2021. Website: https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/slcp/capacityplanning/recycling/JurisdictionDiversionDetail?year=2021&jurisdictionID=34 (accessed May 31, 2023).

configuration of future development on the MSJC Site is not known, there is a potential that future development of the MSJC Site with residential units could potentially be impacted by wildfire; therefore, mitigation is required.

Finding

The programmatic analysis of the MSJC Entitlements related to wildfire is provided discussed in Section 5.4.20 of the Draft EIR. The City finds that the MSJC Entitlements would not result in physical development of or changes on the MSJC Site, and no wildfire related impacts under CEQA Guidelines Appendix G XX would occur. The City finds that subsequent development of the MSJC Site with VHDR uses could potentially be impacted by wildfires; therefore, implementation of MSJC Mitigation Measure WLD-1 and WLD-2 requiring the preparation of a development specific Fire Protection Plan and submittal of evidence that subsequent development follows the provisions of said plan are necessary. The City has determined the identified mitigation measures are feasible, required, and appropriate to reduce impacts from wildfire resulting from subsequent development of the MSJC Site to less than significant.

Substantial Evidence

With the exception of existing campus buildings and ancillary features, the MSJC Site is undeveloped. The MSJC Site is located within a Local Responsibility Area and is designated as a Non-Very High Fire Hazard Severity Zone (VHFHSZ) (see Draft EIR, Figure 4.20-1). Due to its location and adjacency to undeveloped areas, the MSJC Site is located in a wildland-urban interface (WUI). The adoption of the proposed MSJC Entitlements themselves will not result in any a physical project that would alter any facility or inhibit the City's Emergency Operations Plan; and no impact related to this issue will occur. According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Gorgonio Avenue/SR-243 and its interchange with I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response. Any subsequent residential development would be reviewed by the City, which would require that site preparation, grading, and construction activities maintain appropriate access along local roadways or to surrounding properties. Through the review and approval of site-specific plans by the City and Riverside County Fire Department would ensure all roadways and structures within the MSJC Site would be developed in applicable emergency access standards. Any development of VHDR uses would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Site for emergency vehicles. Furthermore, such requirements would ensure appropriate access to/from any future residential development conforms to applicable City and RCFD standards, ensure impacts related to emergency access remain less than significant (Draft EIR, p, 5-78).

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. While not located within an identified very high fire hazard severity zone (VHFHSZ), the MSJC Site is located approximately one mile from two separate VHFHSZ areas and is located within a WUI. The construction and occupation of future residential uses on the MSJC Site could potentially increase the exposure of persons and/or property to wildfire hazards. As required

by the City's development review process, any such development would be evaluated for wildfire safety when a proposed for physical development of VHDR units is proposed to the City.

Future proposals for development within the MSJC Site would be subject to adopted federal, State, and local development guidelines in existence at that time that govern wildfire, emergency services, and emergency access, including Chapter 8.16 of the City's Municipal Code (which, as amended by the City, incorporates the current California Building and Fire Codes). Furthermore, the City adopted the Multi-Hazard Functional Guidance document in 1996 and the Emergency Operations Plan in July 2007 (updated in 2012) both of which provide guidance for residents, City emergency responders, and businesses in the event a man-made or natural emergency occurs within the City or threatens the City.

Future development within the RSG project located directly south of the MSJC Site, may alter the nature of fuel and wildland fire potential, fire behavior, and the potential for exposure to wildfire pollutants on the MSJC Site. Should development on the RSG project proceed in advance of MSJC Site development, fuel modification zones stipulated in the RSG project would provide buffer any future MSJC Site development. To address the specific wildland impacts to the MSJC Site, a development specific Fire Protection Plan (FPP) will be required to identify the condition and wildland fire potential at the time MSJC Site development occurs. Such a FPP Plan would conform to City and RCFD[21] requirements. This requirement is detailed in MSJC Site MM WLD-1. Furthermore, MSJC Site MM WLD-2 requires the submittal of evidence that the protective features and preventative measures are fully and appropriately implemented into the design and construction of any development occurring on the MSJC Site prior to the issuance of construction permits. Adherence to these measures will ensure potential wildfire impacts related to potential future VHDR development on the MSJC Site are reduced to a less than significant level. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur (Draft EIR Section 5.4.20.2).

Adoption of the proposed MSJC Entitlements will not result in any construction of residential units or the installation of infrastructure that would exacerbate wildfire risk. Utility and infrastructure improvements required to facilitate residential development of the MSJC Site would include water, wastewater, drainage, roadway, and electrical transmission features. A new circulation system internal to the MSJC Site and connections to adjacent roadways would be provided. Utilities, including water facilities, sewer facilities, storm drain lines, and power lines would be modified and/or extended throughout the MSJC Site. All utility lines, pipes, utility junction boxes, and transformers would be located underground and would not exacerbate fire risk. Design and implementation of utility and roadway improvements on the MSJC Site would be reviewed and approved by the City's Public Works Department as part of the development review, ensuring any proposed uses are compliant with all applicable fire codes, design standards, and regulations. Compliance with these standards would ensure a less than significant impact would occur. (Draft EIR Section 5.4.20.2).

[21] To include compliance with applicable portions of the Riverside County Fire Code (Chapter 8.32 of County's Code of Ordinances) and Ordinances No. 460 and No. 787-9, and the City of Banning's Fire Protection Code (Chapter 8.16 of the City's Municipal Code). where the Riverside County Fire Code and Banning Fire Protection Code differ, the most restrictive requirements are typically implemented.

Adoption of the proposed MSJC Entitlements will not result in any exposure of people or structures to post-fire risks, including downslope or downstream flooding or landslides, slope instability, or drainage changes. Design and implementation of improvements on the MSJC Site would be reviewed and approved by the City's Public Works Department as part of the development review, ensuring any proposed uses are compliant with all applicable fire codes, design standards, and regulations. Compliance with these standards would ensure a less than significant impact would occur.

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9.0 FINDINGS REGARDING CUMULATIVE IMPACTS

The cumulative impacts of the Project are analyzed in Chapter 6.0 of the Draft EIR. As stated in Chapter 6.0, the Project is comprised of the following components:

a. The Development Project, consisting of the proposed commercial and industrial development of a 533.8-acre property (Development Site) located in part in the City of Banning (City) and in part in the City's Sphere of Influence (SOI) in unincorporated Riverside County (County), California, which is proposed to be entitled through, among other things, adoption of the Sunset Crossroads Specific Plan (Specific Plan) and a City project for a reverse osmosis facility on the Development Site that is analyzed in this EIR; and

b. The Mt. San Jacinto College (MSJC) Entitlements, pursuant to which the City proposes to rezone an approximately 41 -acre property located adjacent to the Development Site, east of Sunset Avenue and south of Westward Avenue and owned by the Mt. San Jacinto Community College District[22] (MSJCCD) (MSJC Site) to very high-density residential development, creating capacity for up to 1,181 housing units to ensure no net loss of residential capacity as required under State law. Because the MSJC Entitlements propose no development and would not result in physical changes to the environment and would only allow for the potential future development of the MSJC Site, no physical environmental impacts, and thus no cumulative impacts, would result from the MSJC Entitlements action. However, buildout is anticipated by 2045, and the cumulative impacts, if any, that could occur with future physical development of the MSJC Site are considered in this chapter.

The impacts associated with the construction and operation of the Project are addressed in Chapter 4.0 (Development Project) and Chapter 5.0 (MSJC Entitlements) of the Draft EIR. The Development Project and the MSJC Entitlements are referred to collectively in the EIR as the Project, and the Development Site and MSJC Site are collectively referred to as the Project Sites. The cumulative impact analysis considered development of the Project in conjunction with other development projects and planned development as detailed in Table 6.B and Figure 6-1 of the Draft EIR, including a number of planned developments in the cities of Banning and Beaumont that have been identified as cumulative projects. The list of cumulative projects was developed through consultation with planning and engineering staff from the City of Banning and the City of Beaumont which shares a common street network with the City of Banning and would generate traffic and contribute traffic to the study area intersections.

9.1 AESTHETICS

Impact Statement: The Project would not result in cumulatively considerable impacts related to aesthetics.

[22] In collaboration with the Beaumont Unified School District, MSJC is housing the Beaumont Middle College High School at the San Gorgonio Pass Campus. The middle college high school is designed to raise graduation rates, prepares students for transfer to a 4-year institution or an associate degree, and serves underrepresented students.

Finding

Potential cumulative impacts of the Project related to aesthetics are discussed in detail in Section 6.5.1 of the Draft EIR. The City finds that the development the Project would not result in significant cumulative impacts related to aesthetics; therefore, no mitigation is required.

Substantial Evidence

The Project's potential to result in cumulatively considerable visual quality impacts would be limited locally to the City of Banning and immediate adjacent areas of unincorporated Riverside County. The Project and related public facility projects (i.e., the SLB Extension) would occur in the same general area as the Project and are not likely to be separately discernable. Other construction activities associated with the cumulative projects would be of limited duration and scale; would be dispersed throughout the City or in the City of Beaumont, and would likely not occur simultaneously; therefore, it is reasonable that construction activity itself would not result in cumulative aesthetic impacts.

With respect to scenic resources in the viewshed of the Project and the cumulative projects, the Caltrans Scenic Highway Program identifies State Route 243 (SR-243) (approximately 2 miles east of the Development Project) between I-10 and State Route 74 as both an Eligible and Officially Designated State Scenic Highway.[23] At lower elevations, views of the Project Sites and the cumulative projects are either limited or obscured from SR-243. From higher elevations along SR-243, expansive views of the cumulative area would be visible. While cumulative development would be visible, the extent of other projects relative to viewshed available from SR-243 is limited; therefore, impacts would not be cumulatively considerable.

Due to the topography, the intervening presence of existing development and landscaping, and the visual barrier of I-10, views of the cumulative project area are generally limited. The City has not designated any portion of the Development Site or the MSJC Site as a scenic resource. Future development within the viewshed of I-10 will continue to expand as structures, infrastructure, and lighting associated with the Project and cumulative projects are installed and occupied. The City's General Plan EIR recognizes development activity will result in changes to the visual character throughout the City resulting from modifications to existing vegetation and topography, and the development of new structures/facilities. Any development in the City and the cumulative area would adhere to the applicable General Plan, zoning, and specific plan regulations and development standards, including those related to the design and orientation of buildings, amenities, landscaping, signage, and lighting, which would ensure the specific aesthetic impacts from cumulative projects are appropriately addressed. Cumulative projects located in the City of Beaumont would likewise be required to adhere to the City of Beaumont's applicable General Plan, zoning, and specific plan regulations and development standards to ensure the specific aesthetic impacts from cumulative projects are appropriately addressed. Future development within the viewshed of I-10 will continue to expand as structures, infrastructure, and lighting associated with the Project and cumulative projects are installed and occupied. In addition, future development, including at the MSJC Site, would be required to undergo its own review pursuant to CEQA, which may require mitigation measures to

[23] California Department of Transportation (Caltrans). n.d. Scenic Highways. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed August 31, 2023).

reduce aesthetic impacts. The General Plan and City Municipal Code would regulate design of the anticipated development of the Project and the cumulative projects within the respective cities; therefore, the Project would result in a less than significant impact to aesthetics when measured cumulatively with future development of cumulative projects. Additionally, the Specific Plan would regulate the design of the Project to be consistent with the guidelines and standards established in the General Plan and Municipal Code; therefore, the Project would not result in a significant aesthetic impact and its aesthetic effect is not cumulatively considerable. It is reasonable to anticipate that any development in the cumulative area would adhere to the applicable General Plan, zoning, and specific plan regulations and development standards, including those related to the design and orientation of buildings, amenities, landscaping, signage, and lighting, which would ensure the specific aesthetic impacts from individual projects are appropriately addressed.

To contribute to cumulative light or glare impacts, cumulative projects must be located in the same field of view as the Project. As such, impacts with respect to light and glare are typically localized. To the extent of the Project's proximity to the cumulative projects or with respect to proximity of the Development Site and MSJC Site, there exists the possibility for the Project to result in a cumulative light and glare impact. As a project design feature, lighting on the Development Site would follow the standards identified in the Specific Plan (see Draft EIR, Appendix B, Sections 3.1 and 4.3.9). Any cumulative development would be required to comply with existing lighting regulations under the City's Municipal Code Sections 17.12.170 and 17.24.100, or the provisions of their respective Specific Plans, which encourage the minimum amount of lighting required for safety and security, appropriate shielding of all lighting, the integration of lighting into buildings where possible, and the incorporation of features to confine light spread to the boundaries of a development site. As with the Project, potential light or glare generated by cumulative projects would also be regulated by City Municipal Code and design requirements and would not be anticipated to occur, and no cumulatively considerable impact would result.

As detailed in Sections 4.1 and 5.4.1.2 of the Draft EIR, the Project's potential visual resource/aesthetic impacts would be less than significant. Section 6.0 of the Draft EIR identifies other planned developments in the City, including the Rancho San Gorgonio Specific Plan (RSG), Sun Lakes Village North (e.g., Banning Pointe) project (SLVN), and Butterfield Specific Plan (e.g., Atwell) (BSP. These cumulative projects are subject to the siting and design guidelines enshrined in their respective Specific Plans and/or the City code. The implementation of City design, siting, and development standards at a project-level basis would ensure the incremental aesthetic effect of other projects would not be cumulatively considerable. The related public facilities are typical of public improvements in an existing urban environment, and development of these facilities would not directly or cumulatively adversely affect the visual character or obstruct view to, from or through the Sites.

9.2 AGRICULTURAL AND FORESTRY RESOURCES

Impact Statement: The Project would not result in cumulatively considerable impacts related to agricultural and forestry resources.

Finding

Potential cumulative impacts of the Project related to agricultural and forestry resources are addressed in Section 6.5.2 of the Draft EIR. The City finds that the development of the Project would not result in significant cumulative impacts related to agricultural or forestry resources; therefore, no mitigation is required.

Substantial Evidence

The Project's potential to result in a cumulatively considerable impact to agricultural and forestry resources is limited to the City of Banning and Riverside County. No Prime, Unique, or Statewide Important Farmland (collectively Important Farmland), which CEQA identifies as the types of farmland to assess in the Appendix G threshold of significance 1a, is located within the City of Banning or within adjacent areas of unincorporated Riverside County, or on the Project Sites, including within the alignment of the SLB Extension. Therefore, the Project would not contribute to the cumulative loss or conversion of Important Farmland to non-agricultural use.

Neither the Development Site nor the MSJC Site are zoned for agricultural uses, or subject to the Williamson Act; therefore, the Project has no impact related to changes in agricultural zoning or Williamson Act designation. Accordingly, the Project would not have a significant cumulative effect on existing agricultural zoning/use and would not cumulatively effect Williamson Act lands.

While the Development Project will convert land designated as Farmland of Local Importance to a non-agricultural use, the Development Site has not supported agricultural uses, apart from occasional livestock grazing, since the early 1900s. Within the City there are 4,382 acres designated as Farmland of Local Importance, and the Farmland of Local Importance that will be developed as part of the Project is a small percentage of this total. Additionally, Riverside County contains approximately 221,201 acres of Farmland of Local Importance. Even if all of the cumulative projects were located on designated Farmland of Local Importance, loss of that acreage would be a small portion (1.9 percent) of the overall land designated as Farmland of Local Importance in the County. As detailed in the CEQA documents for the RSG, BSP, SLB Extension, SLVN, and other projects, those cumulative projects identified no impact related to agricultural and forestry resources or such impact has been determined to be less than significant; therefore, the incremental effects of the Project, when considered with the other projects cited in Table 6.A, would not result in a cumulatively considerable impact on Important Farmland.

The Project would not 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 land in the City is zoned for forestry uses or used for forestry/timberland production; therefore, no change to or conflict with such uses/zones would result from cumulative development in the City. In absence of any conflict or change, no cumulative impact would occur.

The Project would not involve other changes to the existing environment which, due to location or nature, could result in conversion of Important Farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, the Project would not result in the indirect conversion of

agricultural land to non-agricultural use as a result of land use incompatibilities with adjacent land uses and no cumulative impact would occur.

9.3 AIR QUALITY

Impact Statement: The Project would result in cumulatively considerable air quality impacts for construction (VOCs) and operational regional emissions for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$.

Finding

Under applicable SCAQMD standards, a project that individually has a significant air quality impact by exceeding regional emissions thresholds would also be considered to have a cumulatively considerable contribution to cumulative significant regional air quality impact. The potential cumulative impacts of the Project related to air quality are addressed in Section 6.5.3 of the Draft EIR. The City finds that the development of the Project would result in cumulatively considerable air quality impacts due to an exceedance of pollutants in excess of established SCAQMD standards for VOC (both construction and operations), and NO_X, CO, PM_{10}, and $PM_{2.5}$ (collectively, for operations), and inconsistency with the 2022 Air Quality Management Plan (AQMP). The City finds that project-related odors would be less than significant and there would not be a cumulatively considerable impact. With the implementation of Regulatory Compliance Measures (RCMs) AIR 1 through AIR-4 and Mitigation Measures AIR-1 and Air-2, the City finds that the Project would have a less than significant cumulative impact related to exposure of sensitive receptors to concentrations of localized pollutants during construction and operations, and emissions during Project construction and operations would not exceed the cancer risk and chronic hazard index thresholds with implementation of the above-referenced mitigation.[24] For these two impact areas, because the Project does not have a significant impact under the relevant SCAQMD guidance, it would not contribute to a cumulatively significant impact.

Consistency with the AQMP is based on two criteria: (1) whether a project is consistent with the SCAG growth forecasts, which is based, in part, on the planned land uses in general plans of cities located within the SCAG region; and (2) whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The Project requires General Plan amendments for the Development Project. Therefore, the City finds that the Project is not consistent with SCAG's growth forecasts, and is not consistent with the first criterion. As identified in Section 4.3 of the Draft EIR, the Development Project's regional construction emissions would result in an exceedance of volatile organic compounds (VOCs) after the implementation of mitigation. Under a conservative analysis assuming concurrent construction and operation of each phase of the Development Project (Final EIR, Revised Table 4.3.M), emissions would exceed the SCAQMD thresholds for all criteria pollutants except for sulfur oxides (SO_x). Because the Development Project exceeds the regional thresholds of significance for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$, the City finds that the Project is inconsistent with the AQMP and has a significant cumulative air quality impact. The City finds that the Project is required to comply with Mitigation Measures AIR-1 AND AIR-2, as revised in

[24] A project specific air quality analysis for the MSJC Site would be required to confirm that SCAQMD RCMs would likely reduce potential impacts from construction and development of the VHRD uses to a less than significant impact.

Final EIR, which are feasible, adopted, and will reduce cumulative air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable cumulative impact would result from construction and operation of the Project. The City finds that implementation of mitigation measures, compliance with RCMs, the Project's emissions-reducing design features and operational programs are consistent with and support overall AQMP air pollution reduction strategies. Project support of these strategies would globally promote timely attainment of AQMP air quality standards and would bring the Project into conformance with the AQMP to the extent feasible. However, the City finds that impacts would remain significant and unavoidable. Relative to AQMP consistency, the City finds that exceedance of regional thresholds by the Project would result in a cumulatively considerable and significant impact.

Several comments on the Draft EIR identified new or modified mitigation to further address the Project's significant air quality impacts. These measures were evaluated in the Final EIR and were: 1) already required through regulatory requirements, project design features, or mitigation; 2) added as mitigation and included, herein; or 3) determined to be infeasible. Mitigation Measures AIR-1 and AIR-2 (Draft EIR, pages 4.3-35) have been revised, which reduced (to the extent feasible) the air quality impacts of the Project. See the Final EIR (Section 3.0, responses to Comments, D-3-56 and D-6-4). Public comments also identified measures that were determined by the City to be infeasible; for example, the recommendation to restrict all trucks used on-site to zero-emission vehicles. While zero-emission heavy-duty trucks are commercially available, the City finds that these vehicles are not available on a large enough scale to totally support Project operations; therefore, requiring exclusive zero-emission vehicles is currently economically and technologically infeasible. Please see Findings, Section 5.1; Final EIR (Section 3.0, responses to Comment D-6-13).

The City finds that Mitigation Measures AIR-1 and AIR-2, as revised in the Final EIR, are feasible, adopted, and will reduce cumulative air quality impacts attributable to the Project to the extent feasible. The City also finds that no further feasible mitigation to reduce these emissions has been identified; therefore, a significant and unavoidable cumulative impact would result from operation of the Project. The City further finds that mobile source emissions that contribute to exceedance of thresholds of significance are subject to regulations that control heavy-duty truck emissions which are the responsibility of the State and outside of the responsibility and control of the City. See Final EIR, Section 3.0, Response to Comments. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

The Project's potential to result in cumulatively considerable air quality impacts extends to the South Coast Air Basin (Basin) under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The nonattainment status of a project with respect to regional pollutants for which the region is in nonattainment is a result of past and present development, and the SCAQMD develops and implements plans for future attainment of ambient air quality standards. To facilitate attainment of those standards, the SCAQMD has developed a South Coast Air Basin plan based on planned development and regional, basin-wide thresholds of significance for criteria pollutants which are

needed to attain the Clean Air Act air quality standards. Non-compliance with either is considered non-compliance with an applicable plan and a significant project level impact. Project-level thresholds of significance for criteria pollutants also determine whether a project's individual emissions would have a cumulatively significant impact on air quality. Under the applicable standards established by SCAQMD, a project that individually triggers a significant air quality impact by exceeding regional emissions thresholds would also be considered to have a cumulatively considerable contribution to the cumulative regional air quality impact.

As detailed in Draft EIR, Section 4.3, with the implementation of Regulatory Compliance Measures (RCMs) AIR 1 through AIR-4 and Mitigation Measure AIR-1, the Project was determined to have less than significant impacts related to exposure of sensitive receptors to concentrations of localized pollutants during construction (see Draft EIR, Tables 4.3.O and 4.3.P). Based on public comments received on the Draft EIR, a supplemental HRA (Final EIR, Appendix C-4) was prepared assess the additional potential health risks from resulting from revised truck trip lengths and the operation of TRUs. As with the original HRA, the supplemental HRA determined that health risk impacts at the nearest sensitive receptor while higher, would still be substantially lower than SCAQMD health risk thresholds (see Final EIR, revised Table 4.3.Q). Construction and operation of the Project would not result in odors that would adversely affect a substantial number of people, and accordingly, Project-related impacts associated with odors would be less than significant, and no mitigation measures are required (see Draft EIR, Section 4.3.6.4). For localized health risk impacts, because the Project does not have a significant impact under the relevant SCAQMD guidance, the Project would not contribute to a cumulatively significant impact.

The Development Project's regional construction emissions would result in an exceedance of volatile organic compounds (VOCs), NO_X and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) before mitigation. With the exception of VOCs, construction emissions associated with the Development Project would be reduced to a less than significant level with implementation of revised Mitigation Measure AIR-1 (see Draft EIR, Table 4.3.I); therefore, during construction, a significant and unavoidable regional cumulative air quality impact would occur. Other projects in the area, including the City's Sun Lakes Boulevard Extension (SLB Extension), the electric substation, reserve osmosis facility, potable water reservoir, and/or Sunset Avenue Bridge may be under construction at the same time as the Development Project. However, construction of the SLB Extension and electrical substation would not result in the emission of pollutants in excess of regional or localized thresholds. Such concurrent development would generate fugitive dust and equipment emissions that could result in substantial short-term increases in air pollutants in the local area without mitigation. A standard requirement during construction is adherence to applicable SCAQMD rules governing the control of fugitive dust, the application of architectural coatings, and operation of construction equipment. These rules seek to eliminate project-specific significant impacts resulting from emissions generated during development and would apply equally to the Project and the cumulative projects; therefore, the uniform implementation of these rules during construction would ensure construction impacts are not cumulatively considerable, with the exception of VOCs.

Under a conservative analysis where concurrent construction and operation of each phase of the proposed Development Project (Draft EIR, Tables 4.3.J through 4.3.M) occurs, emissions would exceed the SCAQMD thresholds for all pollutants except for sulfur oxides (SO_x). Despite implementation of

the planned Project Design Features (PDFs) and revised Mitigation Measure AIR-2 (which requires the implementation of all feasible measures to reduce operational impacts associated with the Development Project), emissions associated with operation of the Development Project would remain significant and unavoidable (see Final EIR, revised Table 4.3.N). Emissions from future operations of the MSJC Site cannot be calculated at this time, and therefore any contribution to cumulative air quality impacts is speculative. Because the MSJC Entitlements are part of the Project, the combined Project emissions also would be significant and unavoidable, and therefore cumulatively considerable. Similar to the Development Project, despite the identification of mitigation and project design features, the RSG, SLVN, BSP, and BPSP projects each identified significant and unavoidable impacts related to AQMP consistency and exceedance of pollutant thresholds for reactive organic gas (ROG), NOx, carbon monoxide (CO), PM10 and PM2.5 during project operations.[25,26,27,28] For the SLVN project, though the level of other emissions were reduced through implementation of mitigation, emissions of NOx emissions remained in excess of the SCAQMD threshold; therefore, the operational air quality impact of that project remained significant and unavoidable. Even with the implementation of Development Project mitigation, emissions of VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$ pollutants would still exceed SCAQMD standards, prompting a significant and unavoidable project level and cumulative impact (see Table 4.3.N). Due to the Project's exceedance of SCAQMD thresholds, the infeasibility of mitigation to reduce operational air quality impacts to below SCAQMD significance standards, and in combination with other inability to show that other cumulative projects could implement feasible mitigation to reduce their similar impacts, air quality impacts would cumulatively and significantly contribute to the nonattainment designation in the South Coast Air Basin.

In response to public comment on the Draft EIR, a supplemental air quality assessment (Final EIR, Appendix C-5) was prepared assess the additional potential air quality impacts resulting from revised truck trip lengths and the operation of TRUs. Public comment received on the Draft EIR requested implementation of additional mitigation measures. These measures were evaluated in the Final EIR (see Section 3.0, Responses to Comments) and were either, 1) already required through regulatory requirements, project design features, or mitigation, 2) added to mitigation, or 3) determined to be infeasible (see Final EIR, Section 3.0, responses to Comments A-3-25 and A-3-58, B-2-15 and B-2-6, D-3-56 through D-3-93, and D-6-10 through D-6-13. Additional measures have been added to revised Mitigation Measures AIR-1 and AIR-2 to further reduce, to the extent feasible, the emission of pollutants during the construction and operation of the Development Project. Examples include electrification of construction activities to the extent feasible (see Final EIR, Section 3.0, responses to Comments A-3-49, A-3-54, and D-3-45) and a requirement to ensure 90 percent of TRUs at cold storage uses be zero-emission (response to Comment A-3-64).

As stated in Section 4.3,6.1 of the Draft EIR, the Development Project was determined to be inconsistent with the AQMP, which is based on, 1) whether a project is consistent with the SCAG growth forecasts, which is based, in part, on the planned land uses in general plans of cities located

25 RBF Consulting. 2011. *Draft Butterfield Specific Plan Subsequent Environmental Impact Report*. June 3.
26 Placeworks. 2016. *Rancho San Gorgonio Specific Plan Final Environmental Impact Report*. October.
27 Romo Planning Group. 2020. *Sun Lakes Village North Specific Plan, Amendment No. 5, Draft Environmental Impact Report SCH No. 202002907*. September 9.
28 T&B Planning, Inc. 2022. *Draft Environmental Impact Report, Beaumont Pointe Specific Plan, City of Beaumont, California*. December.

within the SCAG region; and, 2) whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The Development Project[29] along with many of the projects on the cumulative project list entail a General Plan amendment and/or zone change and therefore would not be consistent with SCAG's growth forecasts, and the impact is cumulatively considerable. The Development Project also contributes to a cumulatively considerable impact under the second criterion because the regional operational-source emissions are anticipated to exceed the regional thresholds of significance for VOC, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions. The RSG, BSP, SLVN, and BPSP projects also each exceed regional emission thresholds and were determined to be inconsistent with the AQMP; therefore, the Project would have a cumulatively considerable and significant air quality impact.

9.4 BIOLOGICAL RESOURCES

Impact Statement: The Project could have a significant cumulative impact on biological resources without the implementation of mitigation measures.

Finding

A cumulatively considerable effect would occur if the Project, in conjunction with the cumulative projects, resulted in a significant impact on candidate, sensitive, or special-status species or their habitats, protected wetlands/riparian resources, wildlife movement or nursery sites, or conflicted with local policies or adopted conservation plans/programs intended to protect protected species and habitats. Potential cumulative impacts of the Project related to biological resources are discussed in detail in Draft Section 6.5.4. The City finds that the Development Project would not significantly impact protected wetlands, wildlife movement, or wildlife nursery sites; therefore, implementation of the Development Project would not result in impacts that are cumulatively significant related to these issues. One pair of burrowing owls was detected at the Development Site. The on-site burrowing owls and most, if not all, other burrows, if any are identified on the Development Site through future surveys, would be permanently impacted by implementation of the Development Project, and they would need to be relocated. The on-site burrowing owls may suffer indirect effects as a result of their forced relocation. The Los Angeles pocket mouse (LAPM) was detected at drainages within the Development Site during the 2002 and 2005 surveys, and again during surveys conducted in 2020 in limited upland areas of the Development Site; therefore, the on-site drainages and portions of the upland areas are assumed to be occupied by LAPM based on these survey results. Per the Draft EIR (pg 4.4-33), while approximately 7.92 of the approximately 8.99 acres of riparian habitat present on-site and a buffer of approximately 32.58 acres of upland area would be preserved, as some permanent impact to drainages would result from the Development Project, there is a potential to impact the LAPM. A wide variety of bird species, including many criteria, sensitive, or special-status species, have potential to occur on the Development Site, particularly while passing through during migration. These species are all protected under the MBTA as discussed in Section 4.4.4.1 of the Draft EIR. The

[29] Because the MSJC Entitlements would not result in a significant increase in the inventory of residential units or population growth in the City and only changes the location of the development of the units, the MSJC Entitlements would be consistent with SCAG forecasts and the first criterion identified in the SCAQMD's CEQA Handbook, and the future development of residential units on the MSJC Site would not add to cumulative impacts under this criterion.

MSJC Site is located in an area that potentially hosts MSHCP-protected biological resources; therefore, removal of vegetation, ground disturbance, landform modification, or other activities associated with subsequent development residential uses, has the potential to adversely impact protected biological resources on site.

The City finds that impacts on candidate, sensitive, or special-status species from development of the MSJC Site would be substantially similar to those on the Development Site and accordingly would be mitigated to a less than significant level by imposition of MSJC Site Mitigation Measures BIO-1 through BIO-5 identified in Section 5.4.4.2 of the Draft EIR. Additionally, the City finds that Mitigation Measures BIO-1 through BIO-16 (see Section 4.1.1 of these Findings), revised as appropriate in response to public comments, and MSJC Mitigation Measures BIO-1 through BIO-5 (see Section 8.1.4 of these Findings) would minimize and mitigate impacts to biological resources to less than significant through the protection, conservation, and/or restoration of on-site biological resources. The City finds that the identified mitigation measures are feasible, required, and appropriate to reduce impacts to biological resources to a less than significant level, and therefore would not contribute to a cumulatively considerable impact. The City further finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

The City also finds that significant cumulative effects of the Project on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species are fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code, which impose MSHCP compliance on discretionary projects that have or may be developed in the City. See Draft EIR Section 6.5.4. The cities of Banning and Beaumont and the County of Riverside are each permittees to the MSHCP. The cumulative area for jurisdictional features and sediment transport is the Whitewater River watershed. As with the Project, the cumulative projects may result in the modification of existing landforms, vegetation, habitats, and jurisdictional features, and may alter the volume and/or intensity of sediment transport. Depending on the location and design of each cumulative project and the avoidance measures implemented to avoid these impacts, impacts to sensitive biological resources, habitats, and jurisdictional waters will occur, but the City finds that Project compliance with identified mitigation measures that are feasible, required, and appropriate to reduce impacts to biological resources to a less than significant level, and therefore would not contribute to a cumulatively considerable impact.

Substantial Evidence

As discussed in Section 4.4 of the Draft EIR, the Development Project would not significantly impact protected wetlands (Draft EIR Section 4.4.3.5), wildlife movement (Draft EIR Section 4.4.6.4), or wildlife nursery sites (Draft EIR Section 4.4.6.4); therefore, implementation of the Development Project would not result in impacts that are cumulatively significant related to these issues. The Project's potential to result in cumulatively considerable impacts to biological resources extends to the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Area and the Whitewater River watershed (for impacts related to jurisdictional features). The cumulative impact analysis considers development of the Project, including the MSJC Site, in conjunction with other development projects and planned development in the vicinity of the Project Sites.

The MSHCP sets forth conservation goals for each covered species. A development project must either demonstrate that the conservation goals for each covered species identified within the development site have been met or prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report enumerating mitigation measures to achieve equivalent or superior preservation for each not conserved covered species through deed restriction, conservation easement, or other appropriate method. The City of Banning was a party to the Implementing Agreement for the MSHCP and is a member of the Regional Conservation Authority (RCA).

Implementation of Mitigation Measures BIO-1 through BIO-16 would reduce potential impacts to candidate, sensitive, or special-status species present on the Development Site through habitat preservation or enhancement, active or passive relocation. Along with these mitigation measures, impacts to burrowing owl and LAPM would be further reduced through the permanent conservation of riparian/riverine lands on site (7.92 of 8.99 acres) as well as a surrounding upland area buffer of approximately 32.58 acres. To mitigate for the permanent impacts to 1.07 acres of riparian/riverine areas on the Development Site, 3.21 acres of on-site riparian habitat would be enhanced or restored (a 3:1 ratio). The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to biological resources from adoption of these entitlements would be less than significant. While subsequent development of the MSJC Site with residential uses could potentially significantly impact biological resources; implementation of the MSJC Site Mitigation Measures BIO-1 through BIO-5 would reduce impacts to biological resources resulting from subsequent development on the MSJC Site to a less than significant level.

The City's Municipal Code, Chapter 15.72.050, details the purpose and procedures for adherence to applicable provisions of the MSHCP including habitat evaluation, implementation requirements for protection of riparian/riverine areas and narrow endemic species, conduct of required focused biological species, and compliance with MSHCP guidelines for urban/wildland interface. Chapter 15.72 requires the imposition of conditions or mitigation to ensure each project complies with the applicable biological resource protection polices detailed in the MSHCP. Additionally, as required under the MSHCP, each permittee has established a fee program to collect required MSHCP mitigation fees. Banning Municipal Code Chapter 15.72.060 identifies the requirements for payment of MSHCP fees. The fees collected are to be used to finance the acquisition and perpetual conservation of the natural ecosystems and certain improvements necessary to implement the goals and objectives of the MSHCP. The mitigation fee must be paid no later than at the issuance of a building permit. Currently, MSHCP fees (effective July 1, 2023) range from $781 per residential unit (greater than 14.1 units/acre) to $19,066/acre for commercial and industrial development. Significant cumulative effects of the Project on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species are fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code, which impose MSHCP compliance on discretionary projects that have or may be developed in the City.

As with the Project, the cumulative projects in the cities of Banning and Beaumont and in unincorporated areas of Riverside County, may result in the modification of existing landforms, vegetation, habitats, and jurisdictional features, and may alter the volume and/or intensity of sediment transport. Depending on the location and design of each cumulative project and the avoidance measures implemented to avoid these impacts, impacts to sensitive biological resources,

habitats, and jurisdictional waters will occur. While the Project and the cumulative projects may conserve a portion of their property by protecting areas within local drainages, development on these sites represents a cumulative loss of habitat. For each cumulative project, it is anticipated the project-specific effects to jurisdictional features and sediment transport will be assessed during the project-specific permitting process and mitigation will be imposed consistent with the requirements of the MSHCPs.

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Plan Area lies downstream of the Development Site. The CVMSHCP was designed, in part, to conserve species which depend specifically on the preservation of their respective sand dune or sand sheet habitats in CVMSHCP Conservation Area(s). As stated in Section 4.10 of the Draft EIR, while the city is not located within the boundaries of the CVMSHCP or a party to its requirements, much of the sand for the sand dune and sand sheet habitats in the CVMSHCP is supplied by ephemeral streams flowing out of the San Bernardino Mountains through the City and then onward to the San Gorgonio River. Mitigation Measures HYD-1, HYD-2 and BIO-16 have been identified to address and mitigate potential Project impacts related to the transport of sediment (Final EIR Section 4.4.6.1, Final EIR Section 4.10.6.3, and Draft EIR Section 6.5.10) (see also Final EIR, Section 3.0, response to Comment A-4-7). Cumulative development, such as the Rancho San Gorgonio (RSG) project, Butterfield Specific Plan (BSP), and Sun Lakes Boulevard (SLB) Extension projects, have or are currently addressing this issue in their respective environmental clearance and/or permitting actions. Adherence to the project-level measures would ensure no cumulatively considerable sediment transport would result from cumulative development activity. Similarly, the Project would be required to comply with respective permit requirements such that the impacts to jurisdictional features and sediment transport are reduced to a less than significant level. The collective adherence of permit requirements will ensure the regional (watershed) cumulative impacts on jurisdictional features and sediment transport remain less than significant.

Significant cumulative effects of the Project on MSHCP-covered plants and wildlife, wildlife movement, riparian/riverine areas, and habitat connectivity and covered species are fully mitigated due to the City's status as a MSHCP permittee and the applicable provisions of the City's Municipal Code, which impose MSHCP compliance on discretionary projects that have or may be developed in the City. The Project, including the identified Mitigation Measures, are in compliance with the conservation goals and guidelines of the MSHCP. Other cumulative projects in the City or MSHCP would be equally required to implement measures to achieve compliance with the MSHCP; therefore, no significant adverse cumulative effect to biological resources would occur.

9.5 CULTURAL RESOURCES

Impact Statement: The Project would not result in significant cumulative cultural resources impacts.

Finding

The potential cumulative impacts of the Project related to cultural resources are discussed in detail in Draft EIR, Section 6.5.5. The cultural resources record search identified 68 previously recorded cultural resources within one mile of the Project Sites, with only one, an isolate, determined to be prehistoric. The remaining are historic sites, buildings, and features, including 39 single-family residences, three multifamily residential properties, eight commercial buildings, one ranch complex, two remnant ranch

foundations/features, one motel, two industrial building complexes, one transmission line, one road, one railroad alignment, six erosion control features/water conveyance systems, and two trash scatters. Two of the previously recorded resources (P-33-013778 Historic Ranch Foundations/Features and RIV-7544 Historical erosion control feature[s]/water conveyance system) are located within the Development Site and the SLB Extension. Within the MSJC Site, one resource (P-33-009176) containing historic buildings associated with a ranch complex tied to Barker Ranch was previously recorded. The standing structures associated with this resource were demolished in 2010 for the construction of the MSJC campus buildings. Six previously recorded and 12 new cultural resource/sites were identified during the cultural assessment of the RSG project site, located directly east and south of the Development Sites.

The City finds that Mitigation Measures CUL-1 through CUL-6 Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations which would minimize and mitigate Project impacts to cultural resources to less than significant. The City also finds that the cumulative projects have, are, or will be required to complete project-specific cultural resource assessments and be subject to the same resource protection requirements and CEQA process as the Development Project that would reduce those impacts to less than significant, and that therefore cumulative impacts to historic and archaeological resources would be less than significant. The City further finds that the identified Project mitigation measures are feasible, required, and appropriate to reduce Project and cumulative impacts to cultural resources to a less than significant level, and that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

Substantial Evidence

The cumulative area for cultural resources is the City and its Sphere of Influence (SOI). The cultural resources survey areas and the survey reports for the Development Site encompass the area planned for the eventual development of the related public facility projects including the SLB extension; therefore, for those projects, the cumulative effect is accounted for in the impacts identified for the Development Site.

A cultural resources assessment was conducted for the Development Site (see Section 4.5). Mitigation Measures CUL-1 through CUL-6 have been identified to: (1) require the retention of a qualified archaeologist during all ground disturbance activities and pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological

practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations.

One historic-period archaeological resource, Site 33-013779 (CA-RIV-7544), and one built environment resource, 33-013778, are located within the limits of the SLB Extension. Eighteen cultural resources were found on the RSG site (Draft EIR Section 6.5.5. Ground disturbance associated with the Project and cumulative projects could potentially affect previously unidentified archaeological sites and/or associated human remains. The City's General Plan EIR states, "…All development or land use proposals, which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase 1 studies and appropriate mitigation measures shall be incorporated into project approvals." Mandatory compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097 et seq., would assure that the Project and all cumulative Projects treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts. In addition, as with the Project, the cumulative projects have, are, or will be required to complete project-specific cultural resource assessments required under the City's General Plan and similar to the Project, impacts on known or previously unknown cultural resources on adjacent sites would be required to be mitigated to less than significant levels with appropriate mitigation measures adopted as part of the respective approvals of those projects. Other development projects would be required to undergo discretionary review and be subject to the same resource protection requirements and CEQA process as the Development Project that would reduce those impacts to less than significant. Therefore, with implementation of appropriate project-specific mitigation, cumulative impacts to historic and archaeological resources would be rendered less than significant.

9.6 ENERGY

Impact Statement: The Project would not result in cumulatively significant impact related to energy.

Finding

The potential cumulative impacts of the Project related to energy are discussed in detail in Section 6.5.6 of the Draft EIR. The City finds that the construction and operation of the Project would not result in significant cumulative impacts related to energy; therefore, no mitigation is required.

Substantial Evidence

Cumulative energy impacts would result if the Project, along with cumulative projects, taken together could result in wasteful, inefficient, or unnecessary use of energy. The cumulative projects are subject to CEQA and required to conduct an energy analysis, consistency with existing plans and policies for renewable energy and energy efficiency, and implementation of control measures and mitigation if necessary to avoid wasteful, inefficient, or unnecessary consumption of energy resources.

The cumulative area for electricity and natural gas energy resources is the service areas of the utility providers. The Project Sites are within the service territory of the Banning Electric Utility (BEU). BEU is a not-for-profit, publicly owned retail electrical energy distribution utility. Southern California Gas

Company (SoCalGas) provides natural gas to approximately 21.8 million people in a 24,000-square-mile service area throughout Central and Southern California, from Visalia to the Mexican border.

As with the Project, the largest energy use during construction of the cumulative projects would likely occur from the transport and use of construction equipment, delivery vehicles and haul trucks, construction worker vehicles, and use of on-site equipment that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Fuel consumption from transportation uses depends on the type and number of trips, VMT, the fuel efficiency of the vehicles, and the travel mode. While it would be speculative to precisely identify the fleet mix used by persons working on cumulative development sites, it must be noted that updated Corporate Average Fuel Economy (CAFE) regulations establish fuel efficiency standards for model years 2024 through 2026, requiring an industry-wide fleet average of approximately 49 miles per gallon (mpg) for passenger cars and light trucks in model year 2026. The updated standards require fuel efficiency increases of 8 percent annually for model years 2024 and 2025, and 10 percent annually for model year 2026. It is anticipated that these updated standards avoid the consumption of about 234 billion gallons of gasoline between model years 2030 to 2050.[30] As cumulative development occurs, construction vehicles would collectively and appropriately adhere to the fuel efficiency standards enshrined in the CAFE regulations. The cumulative projects would be required to comply with the California Air Resources Board's (CARB) Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes, CARB's Truck and Bus Regulation, and federal fuel efficiency requirements, which would minimize fuel consumption, and other regulatory requirements designed to increase fuel efficiency. In addition, because petroleum use during construction would be temporary and relatively minimal in comparison to overall usage, it would not be wasteful or inefficient. It is reasonable to anticipate (as with the Project) that such fuel use would have a negligible effect on the amount or availability of fuel resources during cumulative development (see Draft EIR, Section 4.6.6.1); therefore, no cumulatively significant conflict or obstruction with an energy efficiency program would occur.

The Project and other cumulative projects would result in an increased services demand in electricity and natural gas. As discussed in the Draft EIR, Section 4.6**,** the total annual electricity consumption in the BEU service area in 2022 was 151.5 gigawatt-hours (GWh). The BEU has included the energy usage by this Development Project as well as other large commercial and residential developments or industrial projects in its future planning, which has enabled it to enter into long-term contracts for the purchase of renewable sources of electricity as required by State law. The Project, in combination with cumulative projects, is well within BEU's system-wide net increase in electricity supplies annually over the 2018 to 2030 period and, with construction of the electrical substation, there are sufficient planned electricity supplies in the region for estimated net increases in energy demands and the increases are not significant.

[30] It should be further noted that approval of any one cumulative project does not ensure that development will occur. The timing and/or certainty of development is in part based on economic conditions, market demand, legal/regulatory, and/or community factors. For example: The RSG project (2016) anticipated building out of a Master Planned residential community over a 20-year period. Currently, no development has yet occurred on the RSG site. It is uncertain if the projects identified in Table 6.B of the Draft EIR will be developed at the time and in the manner outlined in their respective approvals.

Similarly, additional natural gas infrastructure is not anticipated due to cumulative development. Total natural gas consumption in the Southern California Gas Company (SoCalGas) service area in 2022 was 5,026.5 million therms. Total natural gas consumption in SoCalGas's service area is forecast to remain steady between 2018 and 2035 for the low- and mid-demand scenarios and to increase by approximately 650 million therms in the high-demand scenario due to intense energy efficiency efforts.[31] It is anticipated that SoCalGas would be able to meet the natural gas demand of the Project and cumulative projects without additional facilities. In addition, both BEU and SoCalGas's demand forecasts include the growth contemplated by the Project and the related projects. BEU and SoCalGas plan to continue to provide reliable service to their customers and upgrade their distribution systems as necessary to meet future demand.

As stated in Sections 4.6 and 5.4.6.2 of the Draft EIR, future use of the Project Sites would incorporate the most current energy efficient/energy conserving designs; adhere to vehicle fuel efficiency requirements; and install the fixtures, features and facilities meeting the energy efficiency requirements in effect at the time of development. The California Energy Code is a building code for Building Energy Efficiency Standards for Residential and Nonresidential Buildings that imposes building standards to reduce energy consumption through efficient lighting and heating standards among other requirements. Increased building energy efficiency will reduce energy consumption on a per square foot basis. The 2022 Energy Code establishes specifications related to electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, requires solar roofs on multifamily residential units of 3 stories or less, and strengthens ventilation standards. Since January 1, 2023, projects that apply for building permits must comply with the 2022 Energy Code. Based on its mix of generation sources, BEU currently has a renewable portfolio of 81.3 percent (2022), far exceeding the State's target of 50% by 2030. This satisfies Renewable Portfolio Standard (RPS) targets for 2030 mandated under Senate Bill 100.

The Project and cumulative projects are required to comply with various federal and State government legislation to improve energy efficiency in buildings, equipment, and appliances and reduce vehicle miles traveled. The State of California provides a minimum standard for building design and construction standards through Title 24 of the California Code of Regulations (CCR), known as the California Building Code (CBC). The CBC is updated every 3 years, and the current 2022 CBC went into effect in January 2023 and is applicable to the Development Project. The California Building Standards Commission adopted Part 6 of the Title 24 Building Energy Efficiency Standards and adopted Part 11 (referred to as the California Green Building Standards Code, or CALGreen) as part of the State's efforts to reduce greenhouse gas emissions and energy consumption from residential and non-residential buildings. CALGreen covers the following five categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) indoor environmental quality. As the cumulative projects are developed, it is reasonable to assume that provisions of the applicable energy and/or building codes would be implemented, furthering the efficient use of energy resources. Regulatory Compliance Measure ENG-1 is a regulatory requirement imposed on all projects by the City to ensure the incorporation of required features to meet code requirements and ensure efficient use of energy for building operations. Accordingly, as cumulative projects are developed, they would comply with the applicable

[31] Ibid.

CALGreen Code requirements and Title 24 efficiency standards, so they would not significantly obstruct or conflict with adopted plans for renewable energy and energy efficiency, and no cumulative impacts would result.

Based on fuel consumption obtained from the CARB California Emissions Factor Model, Version 2021 (EMFAC2021), approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel will be consumed from vehicle trips in Riverside County in 2023. Based on estimated VMT, the Development Project would use approximately 1.423 and 6.667 million gallons of gasoline and diesel fuel, respectively (approximately 1.5 percent of Countywide gasoline fuel usage and 2.01 percent of Countywide diesel fuel usage). While the size and nature of the cumulative projects vary, it is reasonable to conclude that each will require the use of vehicle fuels. The amount of fuel used will vary, but even collectively and due to the incremental percentage of fuel used, the operation of the cumulative projects regarding the amount of fuel required does not represent a meaningfully significant percentage of the total fuel used in Riverside County. As stated previously, the fuel standards established under the CAFE regulations require an industry-wide fleet average of approximately 49 mpg for passenger cars and light trucks in model year 2026. It is reasonable that use of vehicles adhering to updated CAFE standards and the increasing use of electric vehicles will exert a downward pressure on total vehicle fuel usage.

The Development Project and, if developed, the VHDR on the MSJC Site, will increase energy use; however, it will be used efficiently and therefore would not result in a significant impact. Construction and operation of the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts from wasteful, inefficient, or unnecessary energy consumption would be less than significant. Mitigation is not required. While development of the Project and other cumulative projects would increase the demand for vehicle fuels, electricity and natural gas over current use, it is anticipated that the fuel efficiency of vehicles and energy efficiency in buildings will increase over the lifetime of these projects. Further, compliance with the existing and future regulatory requirements would ensure that the Project and the cumulative projects do not result in an inefficient, wasteful, and unnecessary consumption of energy. Therefore, the Project's contribution to impacts related to the inefficient, wasteful, and unnecessary consumption of energy would not be cumulatively considerable, and no mitigation is required.

9.7 GEOLOGY AND SOILS

Impact Statement: The Project would not result in a cumulatively considerable impact related to geology and soils (risk of loss due to earthquakes, substantial soil erosion/loss of topsoil, risks due to unstable geologic unit/soil, expansive soil, erosion, or septic tanks).

In the absence of mitigation measures, the Project has the potential to directly or indirectly impact a paleontological resource and contribute to cumulative considerable impacts.

Finding

The potential cumulative geology and soils impacts of the Project related to risk of loss due to fault rupture, seismic shaking, ground failure, erosion, unstable soil, expansive soil, landslides and septic tanks are discussed in detail in Section 6.5.7 of the Draft EIR. The cumulative projects would be required to comply with the Regulatory Compliance Measures (RCMs) or the equivalent applicable to

the Project. The City finds that with application of the RCMs, which require site development to follow the recommendations detailed in the development of the proposed Project, no significant cumulative impacts related to geology and soils would result; therefore, no mitigation is required.

The potential Project impacts related to paleontological resources is addressed in Section 4.7.6.9 and 6.5.7 of the Draft EIR. While the Quaternary sediments on the Project Sites have an "Undetermined" paleontological sensitivity, typically in western Riverside County, these sediments are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, and others). The Project could result in direct impacts to paleontological resources within the Project Sites should such resources be discovered during Project-related construction activities. The City finds that Project compliance with Mitigation Measures GEO-1 and MSJC Site GEO-1 and GEO-2, would reduce impacts to paleontological resources to less than significant. The City further finds that the cumulative projects, as appropriate, would be required to comply with comparable measures. The City finds that these measures are feasible, adopted, and will reduce impacts to paleontological resources attributable to the Project to less than significant. Therefore, the Project will not contribute to a cumulatively considerable impact, and its cumulative impact is less than significant.

Substantial Evidence

Typically, geology and soils impacts are specific to a particular site and there is little, if any, cumulative relationship between the development of a proposed project and development within a larger cumulative area; therefore, the geographic scope of the cumulative impact analysis for geology, soils, and seismicity includes the Development Site and the MSJC Site. The area included in the geologic assessment (Draft EIR, Appendix F-1) prepared for the Development Site encompasses the area planned for the eventual development of the related public facility projects; therefore, the cumulative effects associated with those projects are accounted for in the impacts identified for the Development Site.

Issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the Project Sites, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur at the location(s) of other cumulative projects. Construction activities associated with the MSJC Site and cumulative projects would include some level of earthmoving, trenching, and/or temporary stockpiling, which could contribute to cumulative soil erosion effects. A standard development requirement is compliance with relevant federal, State, and local laws, which require preparation of Storm Water Pollution Prevention Plans (SWPPPs) to identify, evaluate, and minimize erosion and sedimentation from construction sites. The SWPPPs generally identify the project-specific Best Management Practices (BMPs) and erosion control features that would be implemented to prevent soil erosion that may result from construction activities. For the Development Project, RCM WQ-1 requires preparation of a SWPPP, and construction BMPs detailed in the SWPPP would be implemented during construction. Additionally, as specified in RCM WQ-2, an Erosion and Sediment Control Plan would be prepared and submitted to the City's Public Works Department prior to issuance of any grading permit in compliance with the City's Municipal Code. Regulatory compliance would be required for the MSJC Site and all other related projects as well.

The project-specific geotechnical investigation prepared for the SLB Extension did not identify significant geotechnical or soil-related issues. While seismic events may affect a broad region, implementation of the Development Project would not increase the intensity, frequency, or duration of seismic events or the properties of off-site geology or soils. The CBC (adopted by reference in Chapter 15.08 [Construction Codes] of the City's Municipal Code) contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards.

In addition, the California Building Code (adopted by reference in Chapter 15.08 [Construction Codes] of the City's Municipal Code) contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. Regulatory Compliance Measure (RCM) CM GEO-1 requires all structures to be designed in accordance with the seismic parameters presented in the Geotechnical Assessment prepared for this Development Project. RCM GEO-2 further requires that the recommendations detailed in the Geotechnical Assessment are appropriately incorporated/ implemented during design, grading, and construction activities on the Development Sites. Adherence to applicable sections of the most current CBC and the site-specific recommendations identified in the Geotechnical Investigation would effectively minimize the potential effects of liquefaction, ground shaking, landslides, and other seismically induced hazards. MSJC Site RCM GEO-1 similarly requires the preparation of a site-specific geotechnical assessment and adherence to the recommendations related to design, grading, construction, and/or development on the MSJC Site. It is reasonable to expect similar measures would be implemented on cumulative projects. Furthermore, because potential geologic hazards are generally site-specific, there would be no direct or indirect cumulative effect when considered with other projects; therefore, the Project's impact relative to geology and soils would not be cumulatively considerable.

Sediments mapped as Quaternary older and younger alluvial fan sediments in western Riverside County are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, etc.). Combined with other past, present, and reasonably foreseeable projects in the City of Banning, the Project could contribute to a cumulatively significant impact due to the overall loss of paleontological remains unique to the region. The Development Project and MSJC Entitlements each identify (Mitigation Measures GEO-1 and MSJC Site GEO-1 and GEO-2) to reduce the level of impact to paleontological resources at each of these sites to a less than significant level. See Draft EIR Sections 4.7 and 5.4.7.2. The SLB Extension and RSG Project require similar mitigation to reduce the project-level paleontological resource impacts on those sites to a less significant level.

There are no unique geologic features in the Project vicinity. Cumulative development in the City, would be required to undergo environmental review pursuant to CEQA. The potential for significant impacts to paleontological resources or unique geologic features would be identified in a project-level investigation to determine the nature and extent of the impacts and/or resources and to identify appropriate mitigation measures. The implementation of project-level mitigation, tailored to the specific nature of each cumulative site, would ensure that the development of cumulative projects in the City would not result in significant cumulative impacts to unique paleontological resources or unique geologic features.

9.8 GREENHOUSE GAS EMISSIONS

Impact Statement: The Project would result in a cumulatively considerable impact replated to GHG emissions.

Finding

Under CEQA Guidelines Section 15064.4, greenhouse gas (GHG) and climate change-related impacts are inherently cumulative, and any project level GHG emissions above an applicable threshold of significance – here 3,000 MT CO_2e - would have a cumulative impact. The unmitigated emission of 62,844.96 MT CO2e and mitigated emissions of 44,313 MT CO2e (see Final EIR, Tables 4.8.F-1 and 4.9.J-1, respectively). Accordingly, the City adopts the findings for GHG emissions in Section 5.2.1 as though fully set forth. The cumulative impacts of the Project related GHG emissions are discussed in detail in Section 6.5.8 of the Draft EIR with additional, supplemental analysis provided in Section 4.0 and Appendix C-6 of the Final EIR.

In addition, because the MSJC Entitlements are not a physical project, no GHG emissions would result from the entitlement actions themselves. The GHG emissions that may result from the subsequent residential development of the MSJC Site cannot be determined until such a project is proposed. Because the Project is comprised of both the MSJC Entitlements and Development Project, the City finds that Project-related GHG emissions would exceed the City's 3,000 MT CO2e per year significance threshold, and Project impacts are cumulatively significant.

The Development Project is generally consistent with and/or would not conflict with applicable GHG reducing plans or policies. These plans and policies are the GHG emission reduction policies, measures, goals, or strategies identified in the City's General Plan, applicable Scoping Plan(s) including the CARB 2022 Scoping Plan, and Riverside County CAP, Regional Transportation Plan (Connect SoCal), or the 2022 Air Quality Management Plan. However, due to the annual volume of CO_2e emitted in excess of the City's 3,000 MT CO_2e per year threshold, and the infeasibility of additional mitigation measures to reduce the impacts of the Development Project to less than significant, the City finds that Development Project's contribution of GHG is cumulatively considerable. In addition, because the Project is comprised of both the MSJC Entitlements and Development Project, the City finds that Project-related GHG emissions would exceed the City's 3,000 MT CO2e per year significance threshold, and Project impacts are cumulatively significant concerning applicable GHG reducing plans or policies.

The City finds that the revised mitigation measures identified in Final EIR are feasible, are adopted, and will reduce GHG impacts attributable to the Project to the extent feasible, and that additional, suggested mitigation measures are infeasible for the reasons stated in the Final EIR and responses to comments. The City further finds that regulations that control heavy-duty truck emissions are the responsibility of the State and outside of the responsibility and control of the City. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

Substantial Evidence

Under CEQA Guidelines Section 15064.4, greenhouse gas (GHG) and climate change-related impacts are inherently cumulative, and any project level GHG emissions above an applicable threshold of significance would have a cumulative impact.

Based on comments received during public review of the Draft EIR, a supplemental greenhouse analysis was conducted to account for emissions from updated truck trip lengths trucks by axle type which conform to SCAQMD WAIRE Guidelines and emissions from transport refrigeration units (TRUs) (see Final EIR, Appendices C-5 and C-6). These additional emissions were added to those previously identified for the Project. This additional analysis identified, at buildout, with the incorporation of project design features, the Development Project's unmitigated emissions with incorporation of the PDFs would be approximately 62,844.96 MT CO_2e annually from both construction and operations[32] (see Final EIR, Table 4.8.F-1). Comments received during public review of the Draft EIR identified a variety of potential measures that could reduce the volume of criteria pollutants and greenhouse gases emitted during the construction and operation of the Development Project. For example, the suggestion that all truck traffic related to the Development Project utilize zero-emission vehicles. Currently, and for the foreseeable future, requiring the Project to use all zero-emission trucks is economically and technologically infeasible, as such trucks are not commercially available on a large enough scale to serve the Project. Imposing mandatory requirements on the Project based on an emerging, not yet established technology when the technological advances and timeframes for readily available quantities of such trucks are not known with any certainty, is not a feasible mitigation measure. (See Final EIR, Section 3.0, responses to Comments A-3-25, A-3-26, and A-3-27). Another suggestion was the installation of roof-top solar panels to the extent feasible. While the City will require Project buildings be to designed and constructed to include solar-ready roof and solar facilities required for commercial and office space in the industrial buildings, the installation of solar panels beyond those required by law is not anticipated at this time as the City prefers that new commercial and industrial uses refrain from installing solar roofs and purchase electricity from BEU to facilitate and support the utility's long-term renewable energy contracts (see Final EIR, Section 3.0, response to Comment A-3-64). Other measures suggested by commenters were either, (1) already included in the Draft EIR, (2) incorporated into the Final EIR through the revision of the mitigation measures previously identified in the Draft EIR, and/or (3) determined by the City to be infeasible. The discussion of mitigation measures suggested during public review to reduce the emission of criteria pollutants and greenhouse gases is provided in the Final EIR, Section 3.0, including (but not limited to) the responses to Comments A-3-28, A-3-58, A-3-60, B-2-15, B-2-16, D-3-8, D-3-53 and D-3-56 through D-3-93, and D-6-4.

Project design features (PDFs) to reduce the emission of GHGs have been previously identified in Draft EIR, Draft EIR, Section 4.8.5.1, (pg 4.8-23) and Appendix C-3 (pg 31). The Specific Plan has been revised to require compliance with California Building Code Title 24, Part 6 solar requirements which have been continuously evolving. Previously, consistent with the CALGreen requirement, only solar ready

[32] This includes total construction emissions amortized over 30 years per 2008 SCAQMD Interim CEQA GHG Significance Thresholds for Stationary Sources, Rules, and Plans.

roofs were required for non-residential development. The revised GHG analysis includes the updated CALGreen solar roof requirements for non-residential analysis:

> All Commercial and Industrial buildings within the Development Project will have solar ready roofs, that includes roof vents and skylights spaced in a manner that allows the south facing roof areas sufficient space to install PV solar panels. In addition, all Commercial buildings shall install PV solar panels with the capacity to generate at least 20 percent of the Commercial buildings' expected electricity consumption. All Industrial buildings shall install PV solar panels with the capacity to generate the expected electricity consumption of the office space of the warehouses and otherwise comply with Title 24, Part 6. Electric conduit leading from the roof area to the electric control panels shall be installed and include electrical panels with sufficient capacity to accommodate PV solar.

This has been incorporated into the Final EIR (Final EIR Section 4.6.4.2 and Section 6.5.6.2). Quantifiable greenhouse gas reducing practices have been identified in revised Mitigation Measures AIR-1 and AIR-2 and GHG-1 through GHG-7, along with previously identified and new PDFs, would reduce emissions to 44,313.0 MT CO_2e per year at Project buildout (see Final EIR, Table 4.8.J-1), which would still exceed the City's threshold of 3,000 MT CO_2e. Again, the majority of these are generated from mobile sources that are regulated by the State and not the City. Therefore, the Project's GHG emissions are significant and would be cumulatively considerable.

The County of Riverside Climate Action (CAP) determined a baseline GHG emissions inventory, and calculated percentage reductions needed to meet 2020, 2030, and 2050 reduction goals. See Draft EIR, Sections 4.3 and 4.8. Consistency with the CAP is demonstrated as the Development Project greatly exceeds the 100-points (+586 points) needed to show consistency with the CAP. See Draft EIR Table 4.8.K. Through the incorporation of project design features (PDFs) and Mitigation Measures AIR-2, and GHG-1 through GHG-7 (including the addition of GHG-7 expressly verifying implementation of the total number of CAP points (see the response to Comment D-3-8) the Development Project implements actions required for consistency with the CAP (and therefore 2030/2050 GHG reduction goals). See also response to Comment D-3-13 and D-3-32. Furthermore, as demonstrated in Tables 4.8.K through 4.8.O of the Draft EIR, the Development Project is consistent with and/or would not conflict with the GHG emission reduction policies, measures, goals, or strategies identified in the City's General Plan (Draft EIR, Table 4.8.L, pg 4.8-33), the Riverside County CAP (Draft EIR, Table 4.8.K, pg 4.8-323), applicable Scoping Plan(s) (the 2022 CARB Scoping Plan) (Draft EIR, Table 4.8.M, pg 4.8-35), Regional Transportation Plan (Connect SoCal) (Draft EIR, Table 4.8.N, pg 4.8-37 and -38), and the 2022 Air Quality Management Plan (Draft EIR, Table 4.8.O, pg 4.8-38). As previously stated, discussion of mitigation measures suggested during public review to reduce the emission of criteria pollutants and greenhouse gases is provided in the Final EIR, Section 3.0, Where feasible, revisions to mitigation and the incorporation of new PDFs have been identified to reduce GHG emissions. As established in the previously cited responses to public comments, due to the annual volume of MT CO_2e emitted in excess of the City's 3,000 MT CO_2e per year threshold, and the infeasibility of additional mitigation measures to reduce the impacts of the Development Project to less than significant, the Project's contribution of GHG is cumulatively considerable. The GHG analyses conducted for various cumulative

projects[33] each identified significant and unavoidable emissions of GHGs in excess of established thresholds and concluded the projects' contribution of GHG emissions would be cumulatively significant.

GHG emissions from development of the MSJC Site cannot be determined until a project is proposed, and approval of the MSJC Entitlements will not result in GHG emissions. Because the Project is comprised of both the MSJC Entitlements and Development Project, Project-related GHG emissions would exceed the City's 3,000 MT CO_2e per year threshold. The majority of the GHG emissions are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and federal standards over which the City has no control.

9.9 HAZARDS AND HAZARDOUS MATERIALS

Impact Statement: The Project would not result in a cumulatively considerable impact related to hazards and hazardous materials.

Finding

The potential cumulative impacts of the Project related to hazards and hazardous materials are discussed in detail in Section 6.5.9 of the Draft EIR. The City finds that with the application of mandatory RCMs, the development of the proposed Project would not result in significant cumulative impacts related to hazards and hazardous materials; therefore, no mitigation for cumulative impacts is required.

Substantial Evidence

Cumulative impacts with respect to hazards and hazardous materials would occur when the Project and cumulative projects, taken as a whole, would result in accidental spills or inadvertent releases of hazardous substances, create an increased wildfire impact, emit hazardous substances within 0.25 mile of a school, or create a public safety hazard relative to airport safety. The cumulative areas for this issue are the Project Sites and immediately adjacent areas.

The Project Sites are not included on any of the queried databases of hazardous materials sites that could create a significant hazard to the public or the environment. A search of the California Office of Environmental Health Hazard Assessment database and Cleanup Sites Map indicated no active cleanup sites within the vicinity of the Project Sites. Two inactive sites are located approximately 0.5 mile north of the Development Site, north of Interstate 10 (I-10).

Construction within the Project Sites, and at the cumulative projects would increase the regional transport, use, and disposal of hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used during construction operation of various land uses. It is reasonable to anticipate that applicable State and federal regulations for the proper transport, use, storage, and disposal of hazardous materials and hazardous would be. Additionally, RCMs WQ-1,

[33] For example, 'mitigated' GHG emissions from the selected cumulative projects include Butterfield Specific Plan (124,025 MT CO_2e), Rancho San Gorgonio Specific Plan (46,000 MT CO_2e), Sun Lakes Village North (11,966 MT CO_2e), and Beaumont Pointe Specific Plan (60,638 MT CO_2e).

WQ-2, and WQ-3 require compliance with the waste discharge permit requirements to avoid potential impacts to water quality due to spills or runoff from hazardous materials used during construction, thus ensuring cumulative impacts during construction remain less than significant (Draft EIR, pg 6-37).

As established in Section 4.9, the Phase I Environmental Site Assessment prepared for the Development Site identified several listings for off-site adjacent or nearby properties on databases potentially indicative of a contamination concern. However, none of these listings are considered as a "recognized environmental condition." RCM HAZ-1 requires the preparation of a Hazardous Materials Business Plan that includes (at a minimum) an inventory of hazardous materials used and stored on site, a site map, an emergency plan, and a training program for employees. Compliance with all applicable regulations presented in Section 4.9.4 would reduce potential impacts from the transport, use, storage, and disposal of hazardous materials to a less than significant level. These regulatory requirements would apply to the cumulative projects which therefore would also have a less than significant impact. The MSJC Site was evaluated via regional and State hazardous materials databases (see Section 5.4.9.1). Based on this review, there are no known conditions on the MSJC Site that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the MSJC Site. At the time of development occurs, MSJC Mitigation Measures HAZ-1 and HAZ-2 require the preparation of a site-specific Phase I Environmental Site Assessment and submittal of evidence that any required site-specific compliance measures identified have been appropriately implemented and/or incorporated into MSJC Site design. No significant hazardous material related to construction of the SLB Extension has been identified in the project-specific investigation prepared for that roadway improvement effort. The area included in the hazard materials assessment prepared for the Development Site encompasses the area planned for the eventual development of the electrical substation and water reservoir; therefore, it is reasonable the less than significant cumulative effect is accounted for in the impacts identified. Once constructed, these public facilities may require the incremental use of hazardous substances, but it is anticipated any such use would comply with accepted use, storage, and disposal requirements, and their operation would not contribute to a significant cumulative impact.

The geographic scope of impacts associated with hazardous materials generated or released on the any site generally encompasses that site and areas immediately adjacent to or within a 0.25-mile radius. Construction and operation/occupation within the Project Sites, and at the cumulative projects would increase the regional transport, use, and disposal of hazardous materials and petroleum products (e.g., diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals). These materials are commonly used during construction and operation of various land uses. It is reasonable to anticipate that applicable State and federal regulations for the proper transport, use, storage, and disposal of hazardous materials and hazardous would be followed by the owners, tenants, occupants, and/or employees at the cumulative projects' sites; therefore, the potential to generate, release, or increase the risk of impacts related to hazardous materials, either through accidents or due to routine transport, use, or disposal during construction would be similarly addressed and mitigated and would not result in a cumulatively considerable impact. RCMs WQ-1, WQ-2, and WQ-3 require compliance with waste discharge permit requirements to avoid potential impacts to water quality due to spills or runoff from hazardous materials used during construction. While the cumulative projects listed in Table 6.B also have the potential to generate or increase the risk of impacts related to hazardous materials, these uses include residential, industrial, and

commercial development, and like the Development Project, would be required to comply with these or similar regulatory requirements which would avoid potential impacts to water quality, and any such impacts likely would be confined to the limits of their respective sites.

Because the MSJC Site is proposed to be developed with residential uses, the limited use of household hazardous materials would occur subsequent to any subsequent development of the site. Similar to the Development Project, cumulative projects, including the RSG, Sun Lakes Village North (SLVN), and Butterfield Specific Plan (BSP) projects either identified impacts related to hazardous materials as less than significant through implementation of standard hazardous materials transport, use, storage, and disposal regulations and/or the incorporation of project-specific mitigation. The applicants of future cumulative projects would be required to comply with regulating agencies as well as the County to implement the applicable and appropriate measures to reduce the risk associated with the use and transport, storage, and disposal of hazardous materials. Therefore, no cumulatively significant hazardous materials impacts would occur.

While the Project Sites are located adjacent to the MSJC campus, as stated in Section 4.9, compliance with RCM HAZ-1 and adherence to applicable regulations related to the transport, storage, use, and/or disposal of hazardous substances would ensure Project impacts remain less than significant. Schools within 0.25 mile of cumulative projects also include Banning High School, Hoeffner Elementary School, and Hemmering Elementary School. It should be noted that the RSG and BSP projects themselves include the construction of schools within their respective Specific Plans. As with the Project, it is reasonable that adherence to these applicable regulations mitigate hazardous material impacts associated with other cumulative projects. Therefore, cumulative impacts related to the release of hazardous materials within 0.25 mile of a school would not be cumulatively considerable.

The Project Sites are located outside the influence area of Banning Municipal Airport and as a result would not have a cumulatively considerable impact on development within the Airport Influence Area established for this facility; therefore, the Project would not result a safety hazard or air excessive airport noise for people residing or working on the Project Sites and would not contribute to a cumulatively considerable airport hazard impact.

The Development Site is located in a wildland-urban interface (WUI) setting, but it is not located in an area statutorily designated as a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE) or Riverside County. The MSJC Site is located within a Local Responsibility Area (LRA) non-VHFHSZ. Both the Development and MSJC Sites are located within the Wildland Urban Interface (WUI) influence zone. The occupation of the proposed commercial, industrial (and in the case of the MSJC Site, residential) uses would increase the number and concentration of persons within a Wildland Urban Interface zone. A number of cumulative projects in the cities of Beaumont (e.g., Fairway Canyon, Beaumont Pointe, Heartland) and Banning (e.g., RSG) are located within or adjacent to fire hazard severity zones (very high, high, and moderate) designated by the California Department of Forestry and Fire Protection (CAL FIRE).[34] Development in

[34] California Department of Forestry and Fire Protection (CAL FIRE). 2022. Fire Hazard Severity Zones in State Responsibility Area. November 21. Website https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553 (accessed March 8, 2023).

these areas could increase the risk of property loss or injury from wildfire hazards. All projects approved and developed within fire hazard severity zones would be required to comply with applicable provisions of the California Fire Code, including provisions related to development within zones and the wildland-urban interfaces. Additionally, adherence to appropriate provisions of the CBC and City requirements related to the type, method, and manner of construction and the establishment and maintenance of fuel management zones would reduce the site-specific wildfire impacts of each cumulative project. As noted in Sections 4.9, 4.20, and 5.4.20.2 of the Draft EIR, the Project would provide a fire protection plan (and per MSJC Site Mitigation Measure HAZ-3, the MSJC Site would be required to develop a fire protection plan when development is proposed) that identifies the features/procedures to further offset potential wildland fire impacts. The related SLB Extension would improve circulation within and around the Development Site by improving the road surface and providing additional lanes of traffic that could be used to evacuate in an emergency and allow emergency personnel additional access to the Development Site and adjacent residential communities faster than using the roadways currently available. Upon compliance with existing regulations, including the applicable provisions of any project-specific fire protection plan, the cumulative impacts with respect to hazards would be less than significant.

9.10 HYDROLOGY AND WATER QUALITY

Impact Statement: The Project would not result in cumulatively considerable impacts related to hydrology and water quality.

Finding

Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 6.5.10 of the Draft EIR. The City finds that with the application of RCMs, the Project would not result in significant cumulative impacts related to hydrology and water quality; therefore, no mitigation for cumulative effects is required.

Substantial Evidence

The Project is located within the Coachella Valley Groundwater, San Gorgonio Pass Subbasin and within the Whitewater River Watershed (which is within the jurisdiction of the Colorado River Basin Regional Water Quality Control Board). The Development Site is located within an undeveloped open grassland valley where two main creeks flow: Smith Creek and Pershing Creek, both of which flow in a southeasterly manner across the Development Site. Storm water on the Development Site, under existing conditions, either flows into Smith or Pershing Creek or infiltrates into the ground. Highland Wash, a tributary to Smith Creek, also crosses the Development Site until it meets with Smith Creek. One such drainage transects the MSJC Site in a northwest to southeast direction joining Pershing Creek on the RSG site. The City of Banning and the Project Sites are located within the boundary of the Coachella Valley Groundwater Basin, San Gorgonio Pass Subbasin.

Cumulative development in the Whitewater River Watershed is a continuation of the existing urban pattern of development that has already resulted in extensive modifications to watercourses in the area -- Smith Creek and Pershing Creek, both of which flow in a southeasterly manner across the Development Site, and the Highland Wash is a tributary to Smith Creek. Cumulative development in the Whitewater River Watershed is a continuation of the existing urban pattern of development that

has already resulted in extensive modifications to watercourses in the area. The area's watercourses have been either channelized or left in natural conditions, and drainage systems have been put into place to respond to the past urbanization that has occurred in this area. Without mitigation or implementation of applicable RCMs, the Project and related public facilities projects would increase impermeable surfaces and increase the volume of storm water runoff and contribute to pollutant loading in storm water runoff reaching the City's storm drain system, the Coachella Valley Storm Channel, and Whitewater River Watershed, thereby resulting in cumulative impacts to hydrology and surface water quality. A similar result could occur with the cumulative projects without comparable RCMs or mitigation. Section 4.10 of this EIR identifies RCMs WQ-1 through WQ-3, construction general permit (CGP) requirements, City erosion control requirements (per Ordinance No. 1388), and water quality management plan(s) satisfying Whitewater River Watershed MS4 Permit requirements which were imposed to achieve a less than significant impact for the Development Project. The proposed public facilities are located within the area studied in the Development Project-specific hydrologic report and water quality management plan, and it is anticipated that no appreciable decrease in impermeable surface area would or change of drainage pattern would occur. Therefore, the cumulative effect of the public facilities is accounted for in the impacts identified for the Development Site, which will be confirmed by City review of their facility design to ensure the appropriate management of storm runoff that may occur during the construction and operation of the facilities. Detailed hydrologic analysis of the MSJC Site has not been completed; however MSJC Site RCMs WQ-1 through WQ-3 identified in Section 5.4.10.2 of the Draft EIR mirror those required for the Development Site which would likewise result is no significant impacts.

The Project would increase impermeable surfaces and increase the volume of storm water runoff and could contribute to pollutant loading in storm water runoff reaching the City's storm drain system, the Coachella Valley Storm Channel, and Whitewater River Watershed, thereby resulting in cumulative impacts to hydrology and surface water quality. RCMs WQ-1 through WQ-3 and MSJC Site RCMs WQ-1 through WQ-3 identify construction general permit (CGP) requirements, City erosion control requirements (per Ordinance No. 1388), and water quality management plan(s) satisfying Whitewater River Watershed MS4 Permit requirements. Compliance with these requirements would result in a less than significant Project impact. As with the Project, each cumulative project could also result in increased urban pollutants in storm water runoff from development sites that would degrade surface or ground water quality, and also must comply with existing water quality standards and waste discharge requirements, including Whitewater River Watershed MS4 permit requirements. These requirements include preparation of a Final WQMP for all new development that specify the Site Design, Source Control, Low-Impact Development (LID), and Treatment Control BMPs that would be implemented to capture, treat, and reduce pollutants of concern in storm water runoff. and would implement construction and operational BMPs to reduce pollutants of concern in storm water runoff. These would include preparation and approval of a SWPPP, erosion and sediment control plans (for construction), and a Water Quality Management Plan (WQMP) (for operation) for each project to minimize water quality impacts. Accordingly, there would not be a significant cumulative impact.

The City is located in the Whitewater River Watershed. The Whitewater River is the major stream in the watershed and extends 54 miles from the San Bernardino Mountains to the Salton Sea, and Smith Creek and Pershing Creek confluence with the San Gorgonio River which ultimately joins the Whitewater River. The SLB Extension crosses Highland Wash, Smith Creek, and Pershing Creek. These

crossings have been sized and will be ultimately designed to mimic downstream flow conditions and to not exacerbate the existing hydrologic and sediment transport condition similar to RCM WQ-4 which requires preparation of a hydrology and hydraulic analysis consistent with local and regional flood control and water quality requirements. As deemed appropriate by the City, similar studies would be required for cumulative projects. It is reasonable that cumulative development would occur pursuant to the siting, design, and maintenance measures detailed in these project-specific reports such that the drainage impacts from each site do not exceed existing conditions or result in hydromodification or soil sedimentation impacts. These studies would be reviewed by the City's Public Works Department (or as appropriate the Riverside County Public Works Department for projects within the County) on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available and that sediment transport conditions are not significantly impacted (Draft EIR, Section 6.5.10).

Each project must consider impacts to impaired receiving waters and Total Maximum Daily Loads (TMDLs) for receiving waters. The TMDL program is designed to identify all constituents that adversely affect the beneficial uses of water bodies and then identify appropriate reductions in pollutant loads or concentrations from all sources so that the receiving waters can maintain/attain the beneficial uses in the Basin Plan. Thus, by complying with TMDL requirements, a project's cumulative impacts to overall water quality in the Whitewater River Watershed are taken into account. Regional programs and BMPs, such as TMDL programs and the MS4 Permit Program, have been designed under an assumption that the Whitewater River Watershed would continue its pattern of urbanization. The regional control measures contemplate the cumulative effects of proposed development. Compliance with these regional programs and permits constitutes compliance with programs intended to address cumulative water quality impacts.

Portions of the Whitewater River watershed are located within 100-year flood zones. No development on the Development Sites would occur in identified 100-year flood zones. For the cumulative projects that include residential development, those projects will be required to provide evidence their residential improvements are maintained at least one foot above 100-year-flood elevations in accordance with National Flood Insurance Program requirements. City of Banning Ordinance No. 1415 Stormwater Code requires compliance with all applicable local, state, and federal regulations and BMPs related to stormwater runoff and catchment basins, and that projects be subject to regular inspection to ensure compliance. Section 13.24.110 of the City of Banning Municipal Code requires that any construction in the City comply with the Stormwater Management Provisions as codified in Chapter 13.24 and the Uniform Building Code, as well as the City of Banning Ordinance 1388.[35]

Concerning potential groundwater impacts, the City is located within San Gorgonio Pass Subbasin of the Coachella Valley Groundwater Basin, which the California Department of Water Resources designates as a medium priority basin. In 2022, the San Gorgonio Pass Subbasin adopted a Groundwater Sustainability Plan, which identifies projects and management actions to conserve

[35] The City is approximately 55 miles northeast of the Pacific Ocean, as such it is not located in a tsunami hazard zone. Seiches are waves that are created in an enclosed body of water such as a bay, lake, or harbor that are triggered by high winds, changes in atmospheric pressure, earthquakes, tsunamis, or tidal influence. The cumulative projects are not adjacent to or near any large, enclosed closed bodies of water. There would be no significantly cumulative tsunami or seiche hazard.

water, capture stormwater, and recharge imported water into the Subbasin. Project impacts related to depletion of groundwater supplies or interference with groundwater recharge in a manner that may impede sustainable groundwater management would be less than significant, and no mitigation would be required. Similar to the Project, the cumulative projects would each be required to analyze potential impacts and impose mitigation necessary to ensure that the projects do not substantially interfere with groundwater management or recharge that may impede implementation of the Groundwater Sustainability Plan for the San Gorgonio Pass Subbasin.

The cumulative projects would increase impervious surface area, which may alter the amount or duration of local or regional runoff. It is reasonable that as cumulative development occurs, site-specific design (through on-site retention and/or detention of stormwater runoff) and project mitigation will ensure post-development flows do not result in on-site or off-site substantial erosion or siltation, substantially increase surface runoff that would result in on-site or off-site flooding, contribute runoff which would exceed existing or planned capacity of stormwater drainage systems or substantially add to polluted runoff, or impede or redirect flood flows. Similar to the Project, the cumulative projects would each be required to control or otherwise limit runoff in accordance with the applicable City regulation and the Whitewater River Watershed MS4 Permit. The implementation of these requirements on a project-level would ensure no significant cumulative drainage or flooding impacts would occur.

Flows within alluvial channels typically carry sediment, with concentrations that tend to increase with flow rate. The ability of flow to move sediment as it passes downstream is termed its sediment transport capacity. Hydraulic properties, particularly flow velocity, and bed material properties, such as median grain size, determine the sediment transport capacity of a given river reach. The capacity of a flow to transport particles of a given diameter is exponentially related to the flow velocity (above a given incipient or threshold velocity). In channels with similar bed material composition, higher velocities result in increased sediment transport capability. The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Plan Area lies downstream of the Development Site. The CVMSHCP was designed, in part, to conserve species which depend specifically on the preservation of their respective sand dune or sand sheet habitats in CVMSHCP Conservation Area(s). As stated in Section 4.10 of this EIR, while the city is not located within the boundaries of the CVMSHCP or a party to its requirements, much of the sand for the sand dune and sand sheet habitats in the CVMSHCP is supplied by ephemeral streams flowing out of the San Bernardino Mountains through the city and then onward to the San Gorgonio River. High winds in the San Gorgonio Pass pick up sand deposited along Smith Creek and the San Gorgonio River during the winter and transport it into the CVMSHCP Conservation Areas located downwind. Features within upstream drainage areas, such as detention basins, and changes in stream flow related to flood control features have the potential to diminish the amount of sediment transported downstream which is then available for aeolian transport. Cumulative development, such as the RSG, BSP, and SLB Extension projects, have or are currently addressing this issue in their respective environmental clearance and/or permitting actions. Project-level adherence to appropriate measures identified during these processes, similar to Mitigation Measures HYD-1 and HYD-2, will ensure the maintenance of appropriate sediment transport to support deposition in downstream/downwind conservation areas.

As development within the City must include project-level provisions related to the management of storm water, maintenance of surface or groundwater water quality, preservation of groundwater, drainage patterns, flood control, consistency with plans drafted for the management of water resources, and Agency requirements related to the appropriate maintenance of sediment transport, the impacts related to these issues would not be cumulatively significant.

9.11 LAND USE

Impact Statement: The Project would not result in a cumulatively considerable impact related to land use and planning.

Finding

Potential cumulative impacts of the Project related to land use and planning are discussed in detail in Section 6.5.11 of the Draft EIR. The City finds that the Project would not result in significant cumulative impacts related to land use and planning; therefore, no mitigation is required.

Substantial Evidence

A cumulatively considerable impact would occur if a project, when considered with other cumulative projects, would cause an environmental impact due to conflict with an established land use policy or program adopted to avoid or mitigate an environmental effect or results in a physical division of an established community. As detailed in Draft EIR Sections 4.11 and 5.4.11.2, the Development Project and MSJC Entitlements would have no impact or a less than significant land use/planning impact and no regulatory compliance measures or mitigation measures are required.

The construction and operation of the Project would increase the urban development footprint and improve roadway connections within the City and would not physically divide an established community and therefore would not contribute to cumulative land use impacts with respect to division of an existing community. In addition, the Project Sites are outside of and do not conflict with the Banning Airport Master Plan and therefore would not contribute to cumulative land use impacts with respect to airport uses.

The Sunset Crossroads Specific Plan has been prepared under the provisions of Government Code §65450 through §65454, which establish the authority to adopt a Specific Plan, identify the required content of a Specific Plan, and mandate consistency with city's General Plan. In addition to standard requirements established by statute, the City may require the inclusion of other material it deems deemed necessary or desirable to implement the General Plan, such as architectural or landscaped design guidelines. Chapter 17.96 (Specific Plans) of the Banning Code of Ordinances establishes uniform procedures for the adoption and implementation of Specific Plans. The Sunset Crossroads Specific Plan has been prepared to provide the essential link to the policies of the City of Banning General Plan. By functioning as a regulatory document, the Sunset Crossroads Specific Plan provides a means of implementing and detailing the City's General Plan and tailoring its policies to the Development Site. The Sunset Crossroads Specific Plan has been prepared to address site-specific issues such as building setbacks and visual appearance, as well as community-wide concerns such as vehicular and non-vehicular circulation, energy conservation, landscaping, and the provision for

infrastructure improvements, and ensures the Development Project meets or exceeds City land use standards for environmental protection, infrastructure, and aesthetic quality.[36]

Future development within the City could result in changes to the existing land use environment through the conversion of vacant land to developed uses, or through conversions of existing land uses (e.g., from residential to commercial). As Specific Plans are tailored to implement the General Plan and establish policies and guidelines to address site-specific issues and community-wide concerns, cumulative development would not conflict with the General Plan and Zoning Code, or with General Plan policies adopted to avoid or mitigate an environmental effect or result in a physical division of an established community. Other cumulative development would also be reviewed for consistency with adopted land use plans and policies by the City, in accordance with the requirements of CEQA and planning requirements. Development of future projects proposing changes in land use would require project-specific consistency analysis to ensure such a change would not conflict with the General Plan or City Code.

The City has initiated the General Plan Amendment (GPA) and Zoning Change (ZC) of the MSJC Site to avoid a net loss of residential capacity resulting from implementation of the Development Project. The proposed MSJC Entitlements will change the current general plan and zoning designation of the MSJC site from Public Facilities to Very High Density Residential, allowing a maximum capacity of not fewer than 1,146 residential units (and a maximum of 1,181 units). The MSJC Entitlements ensure no net loss of residential capacity in the City and provide alternative housing opportunities for a broader segment of the community. Future development of the MSJC Site with a specific plan would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape. Subsequent development on the MSJC Site would be pursuant to the required specific plan, and is required to be consistent with City guidelines and requirements; therefore, no significant inconsistency with this policy would result from implementation of the MSJC Entitlements or subsequent residential development on the MSJC Site.

Construction and operation of the Project (pursuant to its Specific Plan(s)), combined with cumulative development in accordance with the City of Banning's General Plan or the controlling Specific Plan, would not result in significant land use and planning impacts and would comply with State law requirements related to no net loss of residential units. The Project would be consistent with applicable plans, goals, policies, and regulations of the City of Banning's General Plan and zoning regulations, and the SCAG RTP/SCS, that have been adopted to avoid or mitigate an environmental effect or results in a physical division of an established community. Therefore, the cumulative impact of the proposed Project with respect to future development would not be cumulatively considerable and would not result in significant land use impact.

9.12 MINERAL RESOURCES

Impact Statement: The Project would not result in a cumulatively considerable impact related to mineral resources.

[36] T&B Planning, Inc. 2022. *Draft Sunset Crossroads Specific Plan No. 20-20000002*. August.

Finding

The potential cumulative impacts of the Project related to mineral resources are discussed in detail in Section 6.5.12 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to mineral resources; therefore, no mitigation is required.

Substantial Evidence

Mineral Resource Zone (MRZ)-3 is the predominant designation throughout most of the City and its Sphere of Influence (SOI). The only mineral extraction site in the City, the Banning Quarry, mines rock, sand, and base materials used for concrete and construction. The quarry is located in the MRZ-2 zone in the eastern portion of the City approximately 3.3 miles northeast of the Project Sites. The General Plans of the City and Riverside County have not designated the Sites with a land use designation that allows for mineral extraction nor are these areas held in reserve for future mining activity. The proposed sites for the public facilities projects, as well as the alignment of the SLB Extension, like the Project Sites, are located within Mineral Resource Zone 3; therefore, any development of the Project and these public facilities would be expected to have a less than significant mineral resource impact.

As stated in stated in Sections 4.13 and 5.4.13.2 of this EIR, the Development Site and the MSJC Site are designated as MRZ-3 (areas of known of inferred mineral occurrences of unknown significance. While the Projects Sites are mapped as such, over the past 120 years, there has been no evidence that significant mineral resources are located on the Sites, nor has the State, County, or City conducted mineral recovery at these locations.

Of the cumulative projects, only the Hathaway Industrial project (BA7) is located in an MRZ-2 zone (an area where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists). The State Mining and Geology Board maps the Hathaway Industrial project site as Sector G-1, which indicates that the site contains regionally significant Portland-cement concrete (PCC) grade aggregate resources. However, there are no records that indicate the project site was previously used as a mineral resource recovery site or as a site occupied by mines. Within Sector G-1, approximately 470.6 acres remain open for mineral extraction including the Banning Quarry. The Hathaway Industrial project site has previously been mass graded. While the Hathaway Project would preclude any future mineral extraction on the site, the loss of the site represents 0.43 percent of the total remaining areas designated for PCC grade aggregate in the Region. Development of the cumulative projects would not conflict with or interfere with extractive operations at the Banning Quarry. Implementation of the Project would not cumulatively contribute to a significant loss of known mineral resources or the development of a site that has been delineated as a locally important mineral resource recovery area by the City or Riverside County.

Therefore, the Project would not cumulatively contribute to a significant loss of known mineral resources or the development of a site that has been delineated as a locally important mineral resource recovery area or have a cumulatively considerable effect on mineral resources.

9.13 NOISE AND VIBRATION

Impact Statement: The Project would not generate a substantial permanent increase in ambient noise resulting from Project-related traffic or Project operations in excess of established standards under cumulative conditions.

Finding

The potential cumulative noise impacts of the Project are discussed in Section 6.5.13 of the Draft EIR. On-site construction-related noise impacts are reduced to a less than significant level through the implementation of Mitigation Measure NOI-1. For activities associated with construction of roadway or utility improvements, it may not be possible to construct the temporary noise attenuation walls required under Mitigation Measure NOI-1; therefore, the off-site construction noise resulting from roadway and utility improvement associated with the Development Project was determined to be significant. However, as the roadway work in this location would be completed by the Project applicant and not by cumulative projects, the significant Project impact is not a cumulative impact. Off-site traffic noise impacts and operational noise impacts are reduced to below a level of significance through the implementation of Mitigation Measure NOI-2. The City has determined that these measures, incorporated into the Project, are feasible and reduce the potential significant operations impact identified in the EIR to a less than significant level.

Substantial Evidence

Cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other. Due to the attenuating characteristics of noise, cumulative noise and vibration impacts are evaluated on the Project Sites and immediately adjacent areas. The only adjacent cumulative projects to the Development Site and MSJC Site are the RSG site, located immediately to the east of the Development Site and south of the MSJC Site, and the SLB Extension, potable water reservoir, reverse osmosis facility, and electrical substation proposed to be constructed and operated by the City within the boundaries of the Development Site. Other cumulative projects would generally not result in cumulative noise impacts on sensitive receptors near the Project Sites due to their scattered locations and distance from the Development Project. The primary noise sources in the Project area for Project operations are transportation facilities/traffic. In order for a cumulative impact to be considered significant, the Project traffic would need to create a noise level increase of 3 dB(A) or greater in the area adjacent to the roadway segments. In addition, the resulting noise level would need to exceed the City's 65 dB(A) CNEL exterior noise standard.

Construction. As stated in Draft EIR, Section 4.13, implementation of Mitigation Measure NOI-1 requiring a temporary construction noise barrier when project construction activities are within 100 feet from the nearest residential structure would reduce noise levels from on-site construction to below the City's interior construction noise standard of 55 A-weighted decibel (dBA) for more than 15 minutes per hour; therefore, a significant impact would not occur. For activities associated with construction of roadway or utility improvements, it may not be possible to construct the temporary noise attenuation walls required under Mitigation Measure NOI-1. While the *off-site* construction noise resulting from roadway and utility improvement associated with the Development Project were determined to be significant, cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other. As roadway and utility improvements are

typically linear projects that do not overlap (either in location or schedule) it is not likely multiple projects would be on-going at the same time; therefore, construction noise resulting from roadway and utility improvements would not be cumulatively considerable and impacts would be less than significant. In addition, Banning Municipal Code Chapter 8.44.085 states that sound emanating from capital improvement projects of a governmental agency, or the maintenance and repair of public properties by a governmental agency are exempt from City noise standards; therefore, construction of the related public facilities would not contribute to a cumulative considerably noise impact.

The timing of any future development of the MSJC Site is not known at this time, but development may occur in the future concurrently with development of portions of the RSG site. Construction crew commutes and the transport of construction equipment and materials would incrementally increase noise levels on adjoining roadways. Noise generated during site preparation, grading, building construction, paving, and architectural coating phases of construction could, if carried out at the same time, have cumulatively considerable impacts on sensitive receptors in the community. The net increase in noise levels generated by these activities and other sources has been quantitatively estimated and compared to the applicable noise standards and thresholds of significance. If the Development Project and RSG project are developed at the same time, adherence to the City's Municipal Code (Section 8.44.090[E]) would limit the construction activities to daytime between 7:00 a.m. and 6:00 p.m. As stated in Section 4.13, implementation of Mitigation Measure NOI-1 requiring a temporary construction noise barrier when project construction activities are within 100 feet from the nearest residential structure would reduce construction noise levels below the City's interior construction noise standard of 55 A-weighted decibel (dBA) for more than 15 minutes per hour. Like the Development Project, the RSG project identified a significant construction-related noise impact at nearby receptors, recommending mitigation to reduce noise levels at nearby receptors. Section 5.4.13.2 of this EIR indicates that a site-specific noise assessment identifying noise reduction requirements is required prior to any construction on the MSJC Site. As the City's Municipal Code limits hours of construction, because of the temporary nature of construction noise, and as both the Project and the RSG project will implement necessary mitigation to reduce construction noise levels at nearby receptors, construction noise in the project area would not be cumulatively considerable.

Operation. Noise from Development Project operations has two sources: traffic and onsite operations. With respect to long-term operational noise primarily caused by traffic, this EIR analyzed the cumulative impacts of the Project Sites, and cumulative projects (see Draft EIR, Table 6.B) as described in Section 4.13 of this EIR (as revised). Specifically, future (2045) cumulative traffic calculations were used to determine the noise levels of all cumulative projects and reflect the cumulative conditions at new and existing land uses in the vicinity of the Project. The Horizon Year (2045) average daily traffic trips were obtained from the Project specific traffic analysis (which estimated traffic volumes and distributions for the cumulative projects added to the projected ambient growth detailed in Section 4.5 of the *Traffic Assessment* and *Supplemental Traffic Assessment* (see Appendices J-2 and J-3 of the Draft EIR) prepared for the Project.

The Draft EIR identified two significant unavoidable noise impacts from operation of the proposed Development Project at nearby sensitive receptors from: (1) Project traffic at the residences located east of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard/Westward Avenue and at the

MSJC school on the east side of Sunset Avenue south of Sun Lakes Boulevard/Westward Avenue, and (2) noise generated on-site from Development Project operations at certain residences located immediately south of Bobcat Road. Although these impacts were identified in the Draft EIR as significant and unavoidable (based on the original parameters of the Development Project), in response to public comments, the Development Project is modified by the inclusion of the Project Design Features N-1 and N-2, which are detailed in the revised Specific Plan (page 2-1 and 2-10, respectively) and Final EIR (Section 4.0 and Appendix I-2). See also see Final EIR, Section 3.0, response to Comment D-6-29.

These PDFs include:

- **PDF N-1:** To address traffic noise impacts along Sunset Avenue, the alignment of Sunset Avenue is shifted to the west from its previously proposed location to provide additional distance from sensitive receptors east of Sunset Avenue. More specifically, the centerline of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard/Westward Avenue would be adjusted 42 ft to the west from the existing centerline with implementation of the Development Project, which results in the new centerline being 72 ft from the nearest residential property line and 115 feet from the school at the MSJC Site.

- **PDF N-2:** To address the potential for impacts to residences from on-site Development Project operations, on-site project operations are revised to require:

    - Cold storage equipment previously allowed on industrial building rooftops will be shielded or relocated to the ground floor; and

    - Construction of 10 ft high “wing walls” on the south end of warehouse buildings 1 and 2, and 6 ft high walls that surround the automobile parking lots south of warehouse buildings 1 and 2 as depicted in the SoundPLAN printouts in Attachment A to the Supplemental Noise Analysis (Final EIR, Appendix I-2, Attachment A).

These project design features are included in Mitigation Measure NOI-2 as follows:

NOI-2 Prior to approval of roadway plans for Sunset Avenue, the City will confirm that the Development Project design plans for Sunset Avenue incorporate project design feature N-1 (PDF N-1) and shift the alignment of Sunset Avenue between Lincoln Street and Sun Lakes Boulevard Extension/Westward Avenue to the west from the existing centerline as required by PDF N-1 to reduce traffic noise at neighboring sensitive uses to a less than significant level. To reduce operational noise impacts to a less than significant level, prior to issuance of building permits, the City will confirm that the following building design plans are consistent with PDF N-2: (1) design plans for each building proposed to contain cold storage facilities shall either shield rooftop cold storage equipment or locate such equipment on the ground level and (2) design plans for buildings adjacent to Bobcat Road (in the location depicted for Buildings 1 and 2 in the Specific Plan), shall include wing walls and parking lot walls meeting the requirements of PDF N-2.

As the Final EIR has been revised to include Mitigation Measure NOI-2[37] into any future plans for Sunset Avenue and Buildings 1 and 2, these PDFs become fully enforceable through the implementation of the Mitigation Monitoring and Report Program developed for the Project. As described below and in the *Supplemental Noise Analysis for the Sunset Crossroads Project, Banning, California* (see Final EIR, Appendix I-2 and revised Section 4.13 Noise), all operational noise impacts from the Development Project are reduced to less than significant levels with implementation of these PDFs and revised MM NOI-2. Cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other, within the same time period; therefore, in the absence of a Project-related impact, the Project would not contribute to a cumulatively significant traffic noise; therefore, the effect of traffic noise resulting from the Project would not be cumulatively considerable.

Operational noise resulting from occupation of the Development Site would be typical of that experienced in similar industrial and commercial development and will include noise generated from truck delivery and truck unloading activities, heating, ventilation, and air conditioning (HVAC) equipment, speakerphones, parking activities, fueling activities, and outdoor eating activities. While on-site operational noises are individual noise occurrences and are not typically additive in nature, with implementation of Mitigation Measure NOI-2, the significant nighttime operational noise impact previously identified in the Draft EIR at residential uses south of Bobcat Road has been eliminated.

MSJC Site VHDR operational noise would be typical of residential developments. On-site noise from both the MSJC Site and the RSG site would be limited that that typical of residential and educational uses (e.g., parking area noise, HVAC, recreational activity). Therefore, although the RSG site and MSJC Site are in proximity to the Development Site, it is extremely unlikely that these adjacent properties will generate noises that would be additive in nature for two reasons. First, the noise sources would have to be adjacent or in close proximity to one another in order for the noises to intermingle. Second, the sensitive receptor or receptors would also have to be adjacent to or in close proximity to the noise generators; therefore, cumulative operational noise is not expected to create significant noise impacts at sensitive receptors. It is reasonable to conclude that each project will be required to identify and mitigate operational noise such that exterior and interior noise levels do not exceed established City standards at any noise-sensitive use.

Noise-producing components at the electrical substation would be limited to the transformers. The electrical substation site is located approximately 700 feet northwest of the nearest residential use. Transformers at the electrical substation would produce a combined maximum noise level of approximately 37 dBA L_{eq} at 45 feet. Assuming standard distance attenuation, noise from the substation would be approximately 19 dBA L_{eq} at the nearest residential uses, which is below the nighttime (most restrictive) allowable level of 45 dBA L_{eq} at residential property lines. Other operational noise related to the electrical substation and potable water reservoir would likely result only from periodic inspection/maintenance activities. Noise from these activities at public facilities are not anticipated to exceed established thresholds and would, additionally, be exempt from City noise control requirements and therefore would not be significant.

[37] Note: Mitigation Measure NOI-2 referenced in the Final EIR and these findings replace Mitigation Measure NOI-2 included in the Draft EIR. Based on public comment received during public review of the Draft EIR

Special roadway paving and sound walls were considered to mitigate traffic noise associated with the RSG project. These measures were deemed infeasible due to the limited noise reduction achievable (paving) and inability to provide a sound barrier that retained necessary access to affected residences. Despite the infeasibility of this measure for the RSG project, cumulatively significant noise impacts require multiple sources and noise receptors, each in close proximity to each other, within the same time period; therefore, in the absence of a Project-related impact, the Project would not contribute to a cumulatively significant traffic noise; therefore, the effect of traffic noise resulting from the Project would not be cumulatively considerable.

9.14 POPULATION AND HOUSING

Impact Statement: The Project would not result in a cumulatively considerable impact related to population and housing.

Finding

The potential cumulative impacts of the Project related to population and housing are discussed in detail in Section 6.5.14 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to population and housing; therefore, no mitigation is required.

Substantial Evidence

A cumulatively considerable effect on population would occur if the Project, combined with cumulative development, would directly or indirectly induce substantial unplanned growth or displace substantial numbers of persons or housing necessitating the construction of replacement housing elsewhere. Under existing conditions, no residential structures are located on Development Sites; therefore, there the Project no potential to contribute to a cumulatively significant impact associated with the need to construct unplanned housing units. The MSJC Entitlements could result in development of up to 1,181 units of housing on the MSJC Site, but that is transferring residential capacity from the Development Site resulting in no net change in housing capacity in the City. Other cumulative projects, including the RSG SP and Butterfield Specific Plan, propose a variety of planned residential uses that have or will contribute to population increases in the City but accommodate planned growth. In July 2022, the City of Banning had an estimated population of 30,683. By 2045, the City's population is expected to increase to 41,500 residents. Within the City, the cumulative projects anticipate development of up to 8,596 residential dwellings. Whether all of these units are ultimately constructed and/or occupied is dependent on future economic conditions and market demand. The cumulative projects represent 165 percent of the number of households forecast in the SCAG RTP/SCS Connect SoCal for 2045; though It should be noted the buildout plans for the BSP and RSG projects envision a 30- and 20-year buildout, respectively; which extend beyond the SCAG forecast period.

The sites for the proposed electrical substation, reverse osmosis facility, potable water reservoir, and Sunset Avenue Bridge are previously planned projects to support the utility service and transportation needs of the City. The infrastructure that would be constructed in connection with the Development Project and is either already planned for by the City or needed for planned growth as described in the City's General Plan, IMP, CIP, and/or other City plans. The eventual development of these public

facilities at some future point in time would not result in an unplanned indirect increase in population in the City. The SLB Extension entails the construction of this roadway as an Arterial Highway between Highland Home Road and Sunset Avenue, in conformance with the City's Circulation Element, and constitutes a planned infrastructure improvement. As the SLB Extension is implementing a portion of the City's Circulation Element, it also would not indirectly induce population growth not previously considered by the City.

The Regional Housing Needs Allocation (RHNA) reflects the California Department of Housing and Community Development's (HCD) determination of the projected housing needs in a region by household income level as a percent of the Area Median Income (AMI). The SCAG was tasked with allocating the RHNA among the jurisdictions in the SCAG region, which includes the City of Banning.

Banning's RHNA for the current planning period which runs until 2029 is 1,673 units, which includes:

- 510 very low- and low-income housing units
- 280 moderate-income housing units
- 883 above moderate-income housing units

The City is able to meet the majority (1,316 units) of its current cycle RHNA with existing Land Use/Zoning classifications and projects that were either pending or approved (pipeline) projects at the time the Housing Element was updated, and on vacant or nonvacant (underutilized) sites. The remaining 357 units have been accommodated by the City's rezoning of nonvacant or vacant sites. These actions accommodate a total of 2,691 units, which provides sufficient capacity to meet the City's 2021–2029 RHNA allocation.

Pursuant to Government Code Section 65890.1, land use patterns should be encouraged that balance the location of employment-generating uses with residential uses, so that employment-related commuting is minimized. As stated in Section 4.14.3.3 (page 4.14-4) of the Draft EIR, the SCAG Connect SoCal Environmental Justice technical report indicates that Riverside County has a jobs-to-housing ratio of 0.88, indicating that the region is "housing rich, but jobs poor." While neither the City nor SCAG maintain formal statistics regarding Banning's jobs-housing ratio, previous evaluations indicated that the City of Banning followed similar trends as the County as a whole, with more housing available than employment opportunities within the City. Based on the number of jobs (10,500) and housing stock (12,156 units), the City's jobs/housing ratio would be calculated at approximately 0.86, slightly lower than Riverside County as a whole. Therefore, the jobs added by the Development Project and cumulative projects would serve to improve the jobs-housing ratio, and would not result in substantial unplanned growth.

According to the Bureau of Labor Statistics (BLS), in February 2024, the Riverside-San Bernardino-Ontario region's civilian labor force exceeded 2,184,128 persons with more than 2,063,5980 people employed and an unemployment rate of 5.56 percent (or 120,530 persons)[38]. Within the City and the

[38] Bureau of Labor Statistics, Civilian labor force and unemployment by state and metropolitan area, https://www.bls.gov/news.release/metro.t01.htm, Site accessed April 19, 2024.

County of Riverside, the unemployment rate is 6.6 and 4.6 percent, respectively.[39] Approximately 86.1 percent of Banning residents commute outside of the city for work.[40] The Development Project is anticipated to provide up to 5,993 jobs at full buildout. Following current trends of the City having more housing available than employment opportunities; it is anticipated that local employees will seek jobs at the Development Site and that the Development Project would provide additional employment opportunities, while not displacing or reducing housing opportunities. The Project would provide job opportunities close to home for existing and future Banning residents, which would subsequently help achieve a better job-to-housing balance within the city. The employment generated from the Development Project would not induce substantial growth in the area because the Project would result in service-oriented and industrial-oriented jobs, which are jobs that are anticipated to be filled by residents of the city and surrounding area (see Final EIR, response to Comment D-3-18).

As the City has sufficient existing and planned housing for the anticipated employment growth, and because a sufficient pool of potential employees is available in the City and region, the Project would not cause substantial unplanned population growth or displace existing housing or people; therefore, population and housing impacts of the Project are not cumulatively considerable.

9.15 PUBLIC SERVICES

Impact Statement: The Project would not result in a cumulatively considerable impact related to public services.

Finding

The potential cumulative impacts of the Project related to public services are discussed in detail in Section 6.5.15 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to public services; therefore, no mitigation is required.

Substantial Evidence

The cumulative impact area is the service area of the respective public service providers. The City maintains a schedule of development impact fees (DIF) imposed on development to fund public services and to offset future developments' share of public facilities and capital improvements for Police Facilities, Fire Facilities, Parks and Recreation Facilities, General City Facilities, Wastewater Facilities, and Water Facilities.[41] The fees collected are dependent on the type and size of development and fund the share of public facilities related to new development in the City. Public services to Project would be provided by the City (police), Riverside County (fire), the Banning Unified School District, and the Banning Library District, which maintain sufficient capacity to provide service

[39] Monthly Labor Force Data for Cities and Census Designated Places (CDP) April 2024 - Preliminary, California Economic Development Department.

[40] Page 21, *Pre-certified Local Housing Data for the City of Banning*, Southern California Association of Governments, updated April 2021.

[41] Title 3 (Revenue and Finance) of the City of Beaumont's Municipal Code also establishes a procedure for the identification of fees, revenue, and assessments to construct and maintain necessary public services and facilities.

to the Project Sites (see Draft EIR Section 4.15). The Banning Library District (BLD), as it is a California Special District, is funded by property tax revenue. The annual estimate of costs of BLD operations is furnished to Riverside County and the tax required to fund library functions is computed, entered upon the tax rolls, and collected in the same manner as County taxes are computed and collected. Under the provisions of Senate Bill (SB) 50, the Banning Unified School District (BUSD) is authorized to collect fees to offset the costs associated with increased demand on school facilities resulting from development. Under Assembly Bill (AB) 2926, this funding may go to acquiring school sites, constructing new school facilities, and modernizing existing school facilities. Pursuant to California Government Code Section 65995(h), the payment of these school fees (as established and ratified by the BUSD) by a developer would provide full mitigation of potential impacts on school facilities.

The City's DIF impact analysis identifies existing and future service population (residents plus workers) and existing and planned public facilities based on an estimated number of residents, dwelling units, employees, and building square feet in Banning, both in 2018 and in 2040. The base year estimates of residents and dwelling units comes from the California Department of Finance. Future resident and dwelling unit are based on draft Growth Figures from SCAG's Integrated Growth Forecast from the 2016-2040 Regional Transportation Plan (RTP). As the DIF program has already accounted for the 2040 forecasted population/dwellings in the City, it is reasonable to anticipate that the fees established in the current DIF program (or the DIF program is in effect at the time of proposed physical development of cumulative projects). The City may use these fees to pay for the debt service on the existing facilities or for the construction or purchase of buildings, equipment and land that are part of the system of public facilities to serve new development. As established in Sections 4.15 and 5.4.15.2 of the Draft EIR, the Project will be conditioned to pay applicable development impact fees and required school fees (as required by RCMs PS-1 through PS-3 and MSJC RCM PS-2). The payment of said fees is required under Banning Municipal Code Section 15.68 and the California Government Code. The payment of required fees would off-set and mitigate for any proportional Project-related or cumulative projects' increase in demand for public services.

The need for the proposed electrical substation has been identified to by the BEU to support the City's existing General Plan's long-term growth. The potable water reservoir is required to provide the long-term water storage requirements of the City and the approved RSG project. The need for additional water storage capacity was identified in the City's Integrated Master Plan (2018) and the RSG EIR, but the exact location was not identified at that time. The SLB Extension would implement the City's Circulation Element. As these facilities themselves are planned services to meet public demand, and because activity at these public facilities would be limited to periodic inspection and/or maintenance, no cumulative substantial adverse impacts are anticipated from construction of these facilities which accommodate planned for increases in demand for public services.

As noted in Section 6.3 of the Draft EIR, a number of cumulative projects are located within the City of Beaumont. Similar to the City of Banning, per Title 3 of its Municipal Code,[42] the City of Beaumont also maintains a development fee program "Development Related Fee Schedule" (July 1, 2023) that identifies the fees required to fund public services, including, but not limited to: Fire Protection Impact

[42] City of Banning. 2023. Municipal Code, Title 3 - Revenue and Finance. November 22. Website: https://library.municode.com/ca/beaumont/codes/code_of_ordinances?nodeId=TIT3REFI (accessed September 5, 2023).

Fee, Police Facilities Impact Fee, Recreation Facilities Impact Fee, Park(s) Impact Fee(s), and Public Facility Fees. The Beaumont Unified School District maintains Level 1 fees for residential uses, commercial, industrial, and self-storage uses.[43] It is reasonable to assume that applicable fees for cumulative development occurring within the City of Beaumont or within the Beaumont Unified School District would be collected by the City or Beaumont USD prior to the construction of those projects and that these fees would appropriately address the proportional cumulative demand for public services in the City of Beaumont.

Although public service impacts tend to be cumulative in nature, each cumulative project would be required to pay development impact fees, school fees, and/or property tax assessments to provide for its fair-share contribution to any increased demand for public services in the jurisdiction in which it is located. With payment of such fees and tax assessments, which is required pursuant to Banning Municipal Code Chapter 15.68, the Project's contribution to public services impacts is not cumulatively considerable. Further, as the payment of such fees is required for the cumulative development projects, in either the City of Banning or Beaumont, it is reasonable the cumulative impacts on public facilities would not be significant.

9.16 RECREATION

Impact Statement: The Project would not result in a cumulatively considerable impact related to recreation.

Finding

Potential cumulative impacts of the Project related to recreation are discussed in detail in Section 6.5.16 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to recreation; therefore, no mitigation is required.

Substantial Evidence

The cumulative area for the discussion of recreation facilities/services is the City of Banning. There are currently seven developed public parks within the City, which range in size from the approximately 0.33-acre Carpenter-Hamilton Park to the 20-acre Dysart Equestrian Park. The total parkland acreage in the City of Banning is 66.67 acres, including both active and passive recreational areas The City's Community Center/Municipal Pool complex occupies an additional 14 acres (see Draft EIR, Table 6.A). The Development Project does not propose any residential uses or other land use that may generate population that would directly increase the use of existing neighborhood and regional parks or other recreational facilities. The MSJC Entitlements do not propose any development at this time, would accommodate the transfer of residential capacity to the MSJC Site and do not cause an increase in residential units or population in the City that was not previously accounted for in planning or funding programs for park and/or recreation facilities. Any future development of the MSJC Site would comply with applicable requirements to either include recreational facilities or parks as part of the development or housing units, or would require dedication of and/or payment of required park fees likely resulting in no significant impact on City and regional recreational facilities. Approximately 210

[43] Beaumont Unified School District (USD). n.d. Developer Fees, Current Developer Fee Rates. Website: https://www.beaumontusd.us/apps/pages/Developer_Fees (accessed September 5, 2023).

acres of parks and open space areas are provided within the approved RSG project. Facilities within the RSG project include: an entry park (1.1 acres), neighborhood park (12.7 acres), confluence park (10.2 acres), and community park (26 acres); a linear park along Smith Creek and Pershing Creek (122 acres); village paseos (12.6 acres); and natural open space (25.7 acres), all of which would be in proximity to the Project Sites (Draft EIR, pg 6-52).

The City determines park demand on a per resident basis. Industrial and commercial uses are not considered by the City to generate park and recreation demand. As described in Section 6.1.14 of the Findings, the Project would not include the development of residential units and as a result buildout of the Development Project would not directly add to the existing population of the City and would not generate new residential park demand. Buildout of the Development Project is anticipated to increase employment in the City by approximately 5,993 jobs, the majority of which are anticipated to be filled by existing City residents or existing County residents as discussed in Section 4.14 of the Draft EIR and Section 6.1.14 of these Findings.

It can be assumed that existing City, City of Beaumont, and County residents already use park and recreation facilities within the respective jurisdictions. Buildout of the Development Project would not indirectly result in a population increase in the City that has not been accounted for. Therefore, the Development Project would not result in existing park and recreational facilities in the City being used by more residents. Nevertheless, the Development Project includes approximately 12.6 acres of Open Space – Parks (comprising a 5.0-acre passive park and 7.6 acres of passive open space. The passive park on the Development Site would be open to the public and would be accessible to City residents and employees (including Development Site employees) and would add to the existing City's existing park inventory.

While the City currently does not meet its per resident park requirements, because the Development Project is not expected to result in an unplanned increase in the number of residents and because the City does not consider industrial or commercial uses as generating park and recreation demand, the Development Project is not anticipated to generate an increased need for use of existing neighborhood or regional parks and other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated and no cumulatively considerable impact would occur. Chapter 15.68 (Development Impact Fees) of the Banning Municipal Code identifies requirements to fund required public facilities, including parkland and recreation facilities. Banning Municipal Code Chapter 15.68 imposes park fees on new residential, commercial, and industrial development to pay for recreational facilities to meet the increased needs, if any, from the effects of new, non-residential development. Each of the cumulative projects along with the Project would be subject to such payment requirements. With payment of such required fees, the Project's contribution to recreation impacts is not cumulatively considerable. Other cumulative projects in the City would be required to demonstrate their level of impact on recreational facilities, including payment of the appropriate development impact fees; therefore, the Project would result in a less than significant cumulative impact related to recreation.

9.17 TRANSPORTATION

Impact Statement: The Development Project's VMT non-retail VMT per employee (30.8) would exceed the City's significance threshold of (25.9) by 4.9, an increase in per employe e VMT of 18.9

percent. While the Transportation Demand Measures implemented pursuant to Mitigation Measure TRA-1 (which would incorporate Project Design Features T-1 through T-3) would realize a maximum 8.4 percent reduction in commute VMT, Project generated VMT per employee would still exceed the City's adopted VMT impact threshold. Therefore, even with the implementation of MM TRA-1, the Project's VMT impact would remain significant and unavoidable. The remaining cumulative transportation impacts are less than significant.

Finding

The potential cumulative impacts of the Project related to transportation are discussed in detail in Section 6.5.17 of the Draft EIR. The City finds that the Development Project would result in less than significant impacts relating to conflicts with the circulation system, roadway design hazards, and emergency access, and therefore, the Development Project would not result in a cumulatively considerable impact. Because the Development Project would result in a significant cumulative VMT impact, the City finds that implementation of Mitigation Measure TRA-1 would reduce impacts to the extent feasible; however, impacts would remain significant and unavoidable. The City finds that the stated mitigation is feasible, is adopted, and will reduce to some measure, the level of VMT generated through operation of the proposed uses. The implementation and effectiveness of TDM measures will vary according to the tenants which are unknown at this time; therefore, the extent and effectiveness of mitigation cannot be determined. The significance determination is based on a conservative worst-case scenario whereby it is assumed that effectiveness of VMT mitigation and project design features cannot be guaranteed based on research to date, and no additional mitigation is feasible, and therefore, the City finds that the impacts are significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described below, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives and mitigation measures identified in the EIR.

Substantial Evidence

A significant cumulative transportation impact would occur if cumulative development conflicts with transportation programs, plans, ordinances, or policies, results in inadequate emergency access, increases transportation hazards, or is inconsistent with VMT reduction policy established by the City. As discussed in Section 4.17 of the Draft EIR, the Development Project would result in less than significant impacts relating to conflicts with the circulation system, roadway design hazards, and emergency access. To comply with the City's General Plan and the Banning Municipal Code requirements, development of other past, present, and reasonably foreseeable projects in the City would be required to meet standard requirements to provide transportation facilities that accommodate both pedestrian, bicycle, and vehicle travel and to avoid roadway design hazards and emergency access. Therefore, the Development Project would not result in circulation system, roadway design hazards, and emergency access impacts that are cumulatively considerable.

The proposed electrical substation, reverse osmosis facility, and potable water reservoir would be public facilities. While these facilities would require period inspection/maintenance, per the City's guidelines, local-serving community projects and local-serving essential services are screened from VMT analysis and are assumed to have a less than significant impact. Based on the VMT screening analysis conducted for the SLB Extension, the With Project condition results in a substantial reduction of VMT within a 5-mile and 10-mile radius of the SLB Extension and would likely increase Countywide

VMT by approximately 0.0005 percent. This increase is well within the margin of error for transportation models, and as such may not be indicative of a significant impact. When compared with the base year (2012) condition, the SLB Extension results in a decrease under all analyzed geographic limits (5- and 10-mile radius and Countywide); therefore, the VMT impact of the SLB Extension was determined to be less than significant and not cumulatively considerable.

Interstate 10 (I-10) borders the Project site to the north; the Highland Springs Avenue/I-10 interchange is located approximately one mile west of the Development Site; and Sunset Avenue interchanges with I-10 immediately northeast of the Development Site. This Development Site's location provides direct access to the Project via the interstate freeway system, minimizing trip lengths and VMT for all patrons and employees and reducing travel distances for movement of goods. This is also consistent with the SB 743 legislative intent. Furthermore, the Project is located within an urbanized area, proximate to prospective employees and patrons. Uses proposed by the Project would increase and diversify the City's economy and would provide new and varied employment and commercial opportunities closer to the local workforce and customers (see Final EIR, Section 3.0, response to Comment D-3-24). The Development Site is located in an area considered to be generally housing rich and jobs poor; therefore, the Project uses at this location promote a balanced jobs/housing condition, reducing commuter trip lengths and VMT. Please refer Final EIR, Section 3.0, responses to Comments D-3-8 and D-3-18.

Regardless of the Development Project's location or contribution to remedying the City's current jobs/housing imbalance, the Development Project's VMT net change for retail uses and VMT per non-retail worker exceeds the City's respective thresholds of no net increase in regional VMT for retail and 25.9 VMT per non-retail worker. Even with implementation of the limited feasible mitigation measures, the Development Project's VMT cannot be reduced to levels that would be less than significant, and the Project was found to have a significant and unavoidable VMT impact at the project level. Implementation of Mitigation Measure TRA-1, including the project design features T-1 (Commute Trip Reduction Marketing), T-2 (Ridesharing Program), and T-3 (End-of-Trip Bicycle Facilities) would reduce VMT by 8.4 percent, less than 15.9 percent reduction necessary for a less than significant VMT impacts. While it is possible the reduction could be greater, because the tenants of the Development Site are currently unknown, this cannot be determined at this time. Therefore, conservatively, even with implementation of all feasible mitigation, Development Project VMT impacts would not be substantially lessened and would remain significant and unavoidable. Therefore, the Development Project's contribution to cumulative transportation impacts from increases in VMT would be considerable and significant.

As previously stated in Section 5.4.17.2, moving residential density from the Development Site to the MSJC Site itself would not result in a significant increase in residential units or population beyond that previously considered by the City in its development of its VMT Guidelines. As the MSJC Site is directly adjacent to the Development Site, the proposed MSJC Entitlements and the potential future development of the MSJC Site would not likely increase trip lengths (vehicle miles traveled). Nonetheless, future development on the MSJC Site will require a project-specific VMT assessment. Because the Development Project's VMT impacts are significant and unavoidable, as a whole, the Project's contribution to cumulative transportation impacts from increases in VMT would be considerable and significant.

Changes to the 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 took effect July 1, 2020. Environmental documents for cumulative projects published subsequent to this date (e.g., SLVN and BPSP projects) identified significant VMT impacts. Despite the implementation of mitigation for these projects, the VMT impacts of these other cumulative projects remained significant and unavoidable.

9.18 TRIBAL CULTURAL RESOURCES

Impact Statement: The Project has the potential to result in cumulative impacts to tribal cultural resources.

Finding

The potential cumulative impacts of the Project to tribal cultural resources is addressed in in Section 6.5.18 of the Draft EIR. While no tribal cultural resources are known to occur within the limits of the Development or MSJC Site, through the removal of vegetation or ground disturbance, implementation of the Project has the potential to impact previously unknown or undetected tribal cultural material. The City finds that Mitigation Measures CUL-1 through CUL-6 are feasible, adopted, and would reduce these impacts to a less than significant level. The City has determined that these measures, incorporated into the Project, reduce the potential significant impact identified in the Draft EIR to a less than significant level.

Substantial Evidence

Potential cumulative impacts to known or unknown tribal cultural resources may result from cumulative development in the City and elsewhere and may contribute to cumulatively significant impacts to these resources. However, for each development proposal, the City must engage interested tribal governments pursuant to AB 52 and/or SB 18 and with appropriate project-specific mitigation, cumulative impacts would be less than significant. The cumulative area for tribal cultural resources is the area(s) of traditional tribal interest identified by respective tribes. Native American consultation was conducted by the City in compliance with Assembly Bill (AB) 52 and Senate Bill (SB) 18 for both the Development project and the MSJC Entitlements. As part of the initial consultation process, a review of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC) yielded negative results. Subsequently, a total of 31 Native American representatives were contacted by the City to determine their desire to consult on the Development Project. The City received consultation requests from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians, the Agua Caliente Band of Cahuilla Indians, and the San Manuel Band of Mission Indians. Initial consultation meetings were held on April 7, 2022, with MBMI and on April 20, 2022, with the Soboba Band of Luiseño Indians. Because there was no further follow up from the Agua Caliente Band of Cahuilla Indians after the initial consultation request, and the San Manuel Band of Mission Indians did not respond to the initial request, tribal consultation efforts did not move forward beyond the initial tribal consultation request that was received (Draft EIR, Section 4.18.2).

The Development Project is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI. Because the Development Site is located in an area

considered to be sensitive for tribal cultural resources, ground disturbance associated with implementation of the Development Project has a potential to affect undiscovered tribal cultural material, which may inform or provide broader knowledge/context of tribal resources located elsewhere. As such, the Development Project has the potential to result in a substantial adverse change in the significance of a tribal cultural resource. The MBMI emphasized the importance of including archaeological and Native American monitoring in order to thoroughly assess if there are any tribal cultural resources are located at the Development Site.

As detailed in Section 4.18.6.1 of the Draft EIR, mitigation described under MM CUL-1 through MM CUL-6 would: (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these mitigation measures would reduce impacts to tribal cultural resources within the Development Site to a less than significant level and would not contribute to cumulatively significant impact relative to tribal cultural resources.

The City engaged in Native American consultation related to the SLB Extension, providing cultural resources assessment prepared for the project to the Morongo Band of Mission Indians. No tribal cultural resources were identified within the alignment, nor did the results of the Native American Heritage Commission Sacred Lands File Search indicate the presence of any sacred sites/or locations of religious/ceremonial importance in the SLB Extension study area. Mitigation was identified to reduce potential impacts related to the inadvertent discovery of Native American cultural materials to a less than significant impact. The cultural resources survey areas, survey reports, and tribal consultation for the Development Site encompass the area planned for the eventual development of the electrical substation, reverse osmosis facility, and water reservoir; therefore, it is reasonable the cumulative effect is accounted for in the impacts identified for the Development Site. As the Sunset Avenue Bridge was a component of the RSG project, the impacts of that facility have been considered in the EIR for the RSG project.

For other cumulative projects in the City, the City's General Plan EIR[44] states, "… All development or land use proposal which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase 1 studies and appropriate mitigation measures shall be incorporated into project approval." This requirement applies equally to City-sponsored public facility projects. The City maintains a standard practice of providing site-specific cultural assessments to interested Tribes for review and comment during the consultation process and prior to final City acceptance of said assessments. Furthermore, completion of the consultation processes required under AB 52 and SB 18 and the incorporation of measures recommended by interested tribal governments, is required prior to completion of the CEQA process on all projects. All cumulative projects would be required to conduct site specific assessments, consult

[44] City of Banning. 2005. *Environmental Impact Report for the* City of Banning Comprehensive General Plan *and Zoning Ordinance,* Section III(G)(3).

with the interested Tribes, and would be subject to appropriate mitigation measures. Projects located outside the City, within areas of tribal interest, will also be required to comply with applicable existing statutes, regulations, procedures, and policies that address tribal cultural resources, including consultation under SB 18 and/or AB 52. As tribal consultation is required under CEQA, it is reasonable to anticipate that cumulative projects located outside of the City would conduct appropriate assessment to assess potential impacts to tribal cultural resources and to identify and implement appropriate mitigation (similar to or equivalent to the City's standard measures) so that the cumulative projects would not constitute or contribute to a cumulative considerable or significant impact to tribal cultural resources.

9.19 UTILITIES

Impact Statement: The Project would not result in a cumulatively considerable impact related to utility and service systems.

Finding

The potential cumulative impacts of the Project relative to utility and service systems is provided in Section 6.5.19 of the Draft EIR. The City finds that the Project would not result in a significant cumulative impact related to utility and service systems; therefore, no mitigation is required.

Substantial Evidence

A significant cumulative impact would occur if demands of cumulative development exceed the supply or capacity of existing utility and service systems or result in the construction of new or expansion of existing public utility facilities. The cumulative area for the discussion of utility and service system impacts is the service area of the respective providers. The City manages its own water and wastewater through the City Water and Wastewater Utilities Department and electrical services through the BEU, a not-for-profit, publicly owned electrical energy distribution utility. Solid waste collection and transport services in the City, including the SOI, is provided by Waste Management of the Inland Empire. The City's 2018 Integrated Master Plan (IMP) evaluates the performance and condition of the City's potable water, wastewater, and recycled water systems through 2040. Since the adoption of the 2015 UWMP, the 2020 UWMP identified, among other proposed uses, eight new developments and included the Butterfield and RSG developments as well as water supply for the mixed use project located on the Development Site. The BSP and RSG project plans, which combined, envision the development of 7,996 residential units. Each project subject to CEQA is required to prepare its own water supply assessment (WSA) to show sufficient water supply to meet the project demand in normal, dry, and multiple dry years.

The Sites (including the area currently within the SOI which will be annexed) are within the service area of Banning Electric Utility (BEU), a not-for-profit publicly owned utility. The City manages a Water and Wastewater Utilities Department. The Development Site (including the SOI) and the MSJC Site are both within the City's service area for these services. The total annual electricity consumption in the BEU service area in 2022 was 151.5 gigawatt-hours (GWh). The BEU has included the energy usage by this Development Project as well as other large commercial and residential developments or industrial projects in its future planning, which has enabled it to enter into long-term contracts for the purchase

of renewable sources of electricity as required by State law.[45] The Project, in combination with cumulative projects, is well within BEU's system-wide net increase in electricity supplies annually over the 2018 to 2030 period (See Draft EIR, pg 6-33).

The City's 2020 Urban Water Management Plan conservatively anticipates a projected water demand of 9,507 afy in 2025. In 2045, with an anticipated population within its service area of 66,400, the UWMP projects a demand of 13,467 afy. Per the UWMP, sufficient water is available to the City to meet future water demand during normal, dry, and multiple dry year conditions through 2045. The project-specific Water Supply Assessment (WSA) provides a comparison of water demand versus water supply based on the General Plan land uses detailed in the 2020 Urban Water Management Plan, including the BSP and RSG projects and indicated sufficient water to supply the Development Project and MSJC Site would be available in normal, dry, and multiple-dry years through 2045. See Draft EIR, Section 4.19, pages 4.19-20 through -24, including Tables 4.19.I through 4.19.K, and Section 5.4.19.2, pg 5-75. Because the Project shows a sufficient water supply, the Project would not have a cumulatively considerable or significant impact on water supply.

For wastewater, the City's Average Dry Weather Flow (ADWF) is projected to increase from 2.80 mgd (2025) to 4.29 mgd by year 2040. As stated in Section 4.19 of this EIR, the City's current wastewater treatment capacity is 3.5 mgd, sufficient to accommodate the cumulative development (including the BSP and RSG projects). The IMP identified the share of improvements needed to serve existing development and the share needed to serve new development for water and wastewater demand requirements. The City has preexisting plans to upgrade the existing WWTP treatment to meet tertiary standards and facilitate infrastructure to supply recycled water. These upgrades are included in the City's current CIP. The design of the upgraded WWTP will allow for expansion of the treatment capacity when it becomes necessary. Further, both the BSP and RSG project include provisions for the installation of satellite or package treatment plants that would accept flows from those projects. The requirement for these facilities would be determined as necessary by the City, as development within those projects occur. As facilities are brought on-line, wastewater flows to the City's WWTP would be reduced. As detailed in the Draft EIR, Table 4.19.L, the Development Project would generate approximately 0.353 mgd. The increase in wastewater generated by the Development Project can be accommodated within the existing design capacity of the WWTP and no significant wastewater impacts was identified in the Draft EIR. The City's Development Impact Fee Update Study outlines and updates development impact fees that are imposed on new development in the City to fund public services and includes wastewater and water facilities and improvements allotted to new development. The City imposes development impact fees for Wastewater Facilities, and Water

[45] Long-term forecasts included in the City's 2015 Power Supply Integrated Resource Plan (IRP) recognize growth in electrical demand from the Rancho San Gorgonio project and the Butterfield – Pardee Home projects, which envision the development of 3,385 and 4,862 residential units, respectively. The anticipated growth in electrical demand in the IRP anticipated that up to 200 homes each year would be built from 2020 through the end of the project period (2034). It was also assumed there would be additional commercial development to support the increased population. The First Hathaway Industrial project (currently under environmental review) envisions development of 1.42 million square feet of industrial warehouse uses north of I-10. The development of this use is consistent with the existing land use designation ("Business Park") for that site established by the City; therefore, it is reasonably included in IRP forecasts of future demand.

Facilities for all development projects. See Banning Municipal Code Chapters 15.068.060 and 15.068.070. As with the Development Project and development on the MSJC Site, developments on all other projects in the City would be required to pay fees to support the water and wastewater system improvements necessary to serve their individual demands. With payment of such fees and tax assessments, which is required pursuant to Banning Municipal Code Chapter 15.68, the Project's and cumulative projects' contribution to public services impacts are not cumulatively considerable.

The development of the reverse osmosis facility is not needed or required to supply water for the Development Project. The City would develop, own, maintain, and operate the reverse osmosis facility in order to reduce salt and nitrogen in the water prior to recharge of the aquifer. The reverse osmosis facility that would be built in PA 12 of the Development Site would receive treated water from the existing Banning WRF via a 24-inch diameter pipeline that is currently located in the future SLB Extension. The treated water would flow into the reverse osmosis facility where TDS (specifically nitrates) would be separated from the treated water. Grey water with the TDS would be recirculated back to the Banning WRF for additional processing. The water separated from the TDS (nitrates) would exit the reverse osmosis facility through a 24-inch diameter pipe where it would be conveyed to the golf course at the neighboring Sun Lakes Community and used for irrigation of the golf course. The reverse osmosis facility would operate as a closed system. The electrical substation and water reservoir are planned public facilities.

The SCAG estimates the City's 2045 population and employment at 41,500 persons and 11,400 jobs, respectively. Based on current daily per capita disposal rates of 5.6 and 31.5 pounds for residents and employees, future project development in the City could generate up to 591,500 pounds (295.8 tons) of solid waste per day. The volume of solid waste represents approximately 2.9 percent of the current permitted daily throughput of receiving landfills (see Draft EIR, Table 4.19.G). Remaining permitted capacity at the receiving landfills totals approximately 171 million tons. Cumulative solid waste generated City-wide in 2045 represents approximately 1.4 percent of permitted capacity at receiving landfills.[46] As the receiving landfill capacity is permitted through 2059,[47] the cumulative contribution of solid waste from the City would not have a cumulatively significant effect on landfill capacity.

The City's 2018 Integrated Master Plan (IMP)[48] evaluates the performance and condition of the City's potable water, wastewater, and recycled water systems through 2040. The IMP identified six master planned communities,[49] other residential developments, and three commercial/industrial developments.[50] The six master planned communities include a mixture of residential, public facilities, commercial, and open space. These developments considered in the IMP include the BSP and RSG project plans, which combined, envision the development of 7,996 residential units. To address future

46 295.8 tons/day x 365 days = 107,967 tons/yr x 22 years = 2.375 million tons cumulative solid waste City wide through 2045. This calculation assumes existing generation rates. Future decreases in per capita waste generation would proportionally reduce 2045 solid waste totals.

47 Lamb Canyon Landfill through 2032; El Sobrante Landfill through 2051; Badlands Landfill through 2059.

48 Carollo Engineers, Inc. 2018. *2018 Integrated Master Plan*, *Final Report, Revision 1.2*. March.

49 Planned Communities: Black Bench, Five Bridges, Little Europe, Loma Linda, Pardee Butterfield, and Rancho San Gorgonio.

50 Carollo Engineers, Inc. 2018. *2018 Integrated Master Plan, Final Report, Revision 1.2*. March. Figure 2.4 Known Developments.

water and wastewater demand requirements, the IMP identified the share of improvements needed to serve existing development and the share needed to serve new development. The Capital Improvement Program (CIP) is the foundation of the City's long-range capital investment and financial planning. The CIP establishes a specific list of projects to be completed for capital replacements and improvements. The City's Development Impact Fee Update Study outlines and updates development impact fees that are imposed on new development in the City to fund public services. The Development Impact Fee Update Study identifies the wastewater and water facilities and improvements allotted to new development. The City imposes fees on future developments for capital facilities in the form of a development impact fee for Wastewater Facilities, and Water Facilities. Banning Municipal Code Chapters 15.068.060 and 15.068.070 identify the process for how the development impact fee is administered for required wastewater and water improvements in the City.

The Project and the cumulative projects would each be subject to connection and improvement requirements of the respective utility. Cumulative development would require the construction of necessary infrastructure (water and wastewater lines, storm drain facilities, dry utilities, and others) to serve each project. It is reasonable that as cumulative development is proposed, each such development project would undergo review by the City and appropriate service provider(s) to ensure adequate capacity, supplies, and/or facilities. Similar to Regulatory Compliance Measure (RCM) UT-1 (see Section 4.19), cumulative projects would be required to pay appropriate required wastewater and water facilities Development Impact Fees required under Section 15.68 of the Banning Municipal Code. As with the Project, adherence to applicable connection requirements, the design of improvements per the utilities' standards, and payment of required fees and tax assessments, which is required pursuant to Banning Municipal Code Chapter 15.68, would result in a cumulative effect to utility services is neither considerable nor significant, and no mitigation is required.

9.20 WILDFIRE

Impact Statement: The Project would not result in cumulatively considerable impact related to wildfire.

Finding

The potential cumulative impacts of the Project related to wildfire are discussed in detail in Section 6.5.20 of the Draft EIR. The City finds that the development of the proposed Project would not result in significant cumulative impacts related to wildfire; therefore, no mitigation is required.

Substantial Evidence

A significant impact would occur if cumulative development (including infrastructure) increases or exacerbates fire risk or impairs emergency response/evacuation plans. While the Development Site is located in a wildland-urban interface (WUI) setting, it is not located in an area statutorily designated as a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ) by the California Department of Forestry and Fire Protection or Riverside County. The Development Project has been designed to reduce wildfire conditions on the Development Site as compared with the natural state. As stated in the Fire Protection Plan (FPP) (see Draft EIR, Appendix G-2) once the Development Project is built, the

on-site fire potential will be lower[51] than its current condition due to conversion of fire facilitating wildland fuels to ignition resistant buildings, parking areas, managed landscapes, fuel modification areas, improved accessibility for fire personnel, and structures built to the latest ignition and ember resistant fire codes. The Development Project is also accessible to local fire department personnel within acceptable fire response travel times. In addition, the Development Project will adopt a "Ready, Set, Go!" plan for evacuation. When an evacuation is ordered, it will occur according to pre-established evacuation decision points or as soon as a notice to evacuate is received, which may vary depending on many environmental and other factors. Therefore, although the Development Project will increase occupancy of the Development Site, it is anticipated that with compliance with building code requirements and Condition of Approval (COA) FIRE-1, Project impacts would be less than significant.

The MSJC Site is located within a Local Responsibility Area and is designated as a non-VHFHSZ. Both the Development and MSJC Sites are located within the Wildland Urban Interface (WUI) influence zone. As discussed in Section 5.4.9.1 of the Draft EIR, MSJC Site Mitigation Measures HAZ-3 requires the preparation of a project-specific fire protection plan for development on the MSJC Site (at a time when such development occurs). To meet fire code requirements, MSJC Site development would incorporate the same or similar design features as required for the Development Site. The Project would be required to adhere to FPP and fuel management plans (FMP) approved by the City and the Riverside County Fire Department (RCFD). Compliance with these plans would reduce the likelihood of urban conflagration on the Project Sites in the unlikely event of a wildfire and reducing impacts to a less than significant level; therefore, the Project would not have a cumulatively considerable wildland fire impact.

The proposed electrical substation would be developed and operated by the City in compliance with regulations set forth by the California Occupational Safety and Health Administration (Cal/OSHA) and the National Electrical Safety Code (NESC). The reverse osmosis facility and potable water reservoir would be operated by the City in compliance with standards as set forth by the City of Banning Water and Wastewater Department. These facilities would be remotely operated and monitored and include fire suppression features (i.e., sprinklers, defensive space, and fire alarms) that would reduce the exacerbation for fire risk. Chapter 1206 was added to the California Fire Code (CFC) to address a wide range of systems to generate and store energy, including standby and emergency power, portable generation, photovoltaic systems, fuel cell energy systems, and energy storage systems. The provisions of Chapter 1206 apply to the installation, operation, maintenance, repair, retrofitting, testing, commissioning, and decommissioning of these energy systems. It is anticipated the installation and operation of a battery energy storage system as envisioned, as permitted under the Specific Plan, would be conditioned by the City to demonstrate compliance with California Fire Code Chapter 1206. As the City-sponsored infrastructure and facilities will be constructed, operated, and maintained pursuant to required fire protection requirements for utility facilities, the potential for increased fire risk from these facilities, and the cumulative impact, would be less than significant.

A number of cumulative projects in the cities of Beaumont (e.g., Fairway Canyon, Beaumont Pointe, Heartland) and Banning (e.g., RSG and Butterfield) are located within five miles of the Project Sites and are located within or adjacent to fire hazard severity zones (very high, high, and moderate)

[51] Dudek. 2023. *Fire Protection Plan Sunset Crossroads.* November.

designated by CAL FIRE. As with the Project, cumulative development proposed, approved, and developed within fire hazard severity zones would be required to prepare a project-specific fire protection plan complying with applicable provisions of the most current edition of the CFC as adopted and amended by Banning Municipal Code Chapter 8.16, City of Beaumont Chapter 15.20, and/or Chapter 8.32 of the Riverside County Code; including applicable portions of CFC Chapter 49 related to development within fire hazard severity zones and wildland-urban interfaces. It is reasonable the cumulative projects have or will be appropriately conditioned by the approving jurisdiction (City/County) to fully incorporate and implement the features, facilities, and practices established in site- and project-specific FPPs. As with the Project, adherence to these provisions of these FPPs will ensure wildland fire hazards associated with individual projects are reduced to a less than significant level; therefore, with the collective establishment and implementation of the cumulative FPPs, wildfire hazard impacts will not be cumulatively significant.

No emergency facilities are located on the Project Sites nor do the Project Sites currently serve as emergency evacuation routes. During construction and operation of the Development Project and MSJC Site, adequate access for emergency vehicles would be maintained. Cumulative development in the City would increase the number of persons (residents, employees, and patrons) susceptible to wildfire hazards. While the location, intensity, direction, frequency, and/or nature of future wildfire events cannot be precisely predicted, it is reasonable that fire authorities would exercise appropriate judgement as to when, where, and how evacuations are executed. It is further reasonable that during the processing of cumulative development, necessary roadway improvements will be appropriately located and sized to accommodate efficient and safe evacuation as necessary. Implementation of the project specific FPPs through the establishment of fuel management zones, and the installation of water delivery features (e.g., water mains, hydrants, storage capacity) necessary for cumulative development will facilitate firefighting operations should a wildfire event occur. The cumulative development sites would be required to accommodate emergency access and facilities. As such, the Development Project's contribution to cumulatively considerable impacts would be less than significant. The related SLB Extension would improve circulation within and around the Development Site by improving the road surface and providing additional lanes of traffic that could be used to evacuate in an emergency and allow emergency personnel to access the Development Site and adjacent residential communities faster than using the roadways currently available.

In the unlikely event that a wildfire should spread to the Project Sites, it is not expected that the Development Project would contribute any additional runoff or sedimentation to the on-site natural drainages or other downstream drainages. The drainage improvements installed on the Project Sites would remain intact after a major wildfire, allowing them to continue to reduce the potential for flooding conditions. Downslope fire-related flooding hazards are generally site specific and would not extend beyond the immediate area of the Project Sites; therefore, there would be no cumulative effect related to post-fire down-stream flooding resulting from other cumulative projects. As such, the Project would not result in a cumulatively significant impact related to this issue.

10.0 FINDINGS REGARDING ALTERNATIVES

10.1 ALTERNATIVES CONSIDERED AND REJECTED

In accordance with the California Environmental Quality Act (CEQA) and the *CEQA Guidelines* (Section 15126.6), an EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the project's basic objectives (see Draft EIR, Sections 3.7 and 8.1.2), while avoiding or substantially lessening any of the significantly adverse environmental effects of the project (see Final EIR, Table 8.A), and evaluate the comparable merits of the alternatives. The Project's significant impacts that cannot be mitigated to less than significant are air quality, greenhouse gas emissions, construction noise (off-site roadway/utility improvements only), and VMT.

In accordance with Section 15126.6(c) of the *CEQA Guidelines*, an EIR should identify alternatives considered for analysis but rejected as infeasible, and briefly explain the reasons for their elimination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is a failure to meet most of the basic project objectives, infeasibility, or inability to avoid any of the project's significant environmental impacts. Additionally, regarding the feasibility of potential alternatives, CEQA Guidelines Section 15126.6(f)(1) provides:

> (f) Rule of Reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.
>
> (1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries… and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site…

In determining an appropriate range of project alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and then rejected. The following alternatives have been considered and rejected as infeasible, either because they would exceed or not substantially lessen the impacts of the Project being analyzed, are repetitive of other alternatives, or, based on City input, would not meet most of the City's basic objectives and requirements, or are otherwise considered infeasible.

The City has independently reviewed and considered the information on alternatives provided in the EIR, and the EIR reflects the City's independent judgment as to the alternatives. Six alternatives considered and rejected are described below, and reasons for infeasibility are provided in the discussion. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

10.1.1 Off-Site Alternative

Regarding alternative locations, per CEQA, the first step is to determine whether any of the significant effects) would be avoided or substantially lessened by putting the project in a different location. Only locations that would avoid or substantially lessen any of the significant effects need be considered. Any development of the size and type proposed by the Project would have substantially the same environmental effect, regardless of where in the City it was located. The Development Site consists of 533.8 contiguous acres under a single ownership. Based on a review of the current and proposed development in the City, no single undeveloped property of sufficient size to accommodate the Development Project is available.

The First Hathaway and Banning Commerce Center projects, located north of Interstate 10 (I-10), east of Hathaway Street, are currently under review by the City and are unavailable as an alternative site. Property east of these sites and west of Malki Road is controlled by the Morongo Band of Mission Indians and is not available as an alternative site. The Banning Distribution Project is slated for development on property south of I-10 and north of Banning Municipal Airport. Undeveloped land located between Banning Municipal Airport and the City's wastewater treatment facility is not sufficiently sized to accommodate the Development Project and is occupied by smaller industrial and residential uses which would require relocation. Land farther south is constrained by Smith Creek, rural residential uses, and the foothills of the San Jacinto Mountains. Other large currently undeveloped properties (the Butterfield Specific Plan [BSP] and Rancho San Gorgonio [RSG] sites) are entitled with Specific Plans envisioning the development of residential and commercial uses; therefore, these sites are not available as alternative sites. Due to the size of the Development Site, the current ownership of other properties, current or pending entitlements, and/or site constraints, no alternative site is available to accommodate the Development Project; an off-site alternative was rejected from further consideration in this EIR.

The Project includes the transfer of residential capacity to the MSJC Site, located south of Westward Avenue and east of Sunset Avenue. As part of its updated Housing Element, the City identified nine parcels that have been rezoned to VHDR to accommodate additional units required by the City's Regional Housing Needs Assessment (RHNA). Appendix B of the City's Housing Element update includes an inventory of "Vacant and Underutilized Sites" which was consulted to determine if other alternate sites remain available to accept the Project's transfer of residential capacity. The relocation of existing residents and removal of existing structures would result in potential impacts and would not be consistent with State law requirements to achieve no net loss of residential units, only vacant sites included in this inventory were considered as potential alternative locations for the transfer of residential capacity. These areas are primarily infill, but none would so efficiently replace the scope and extent of housing and on a unit for unit basis. The transfer of entitlement for the units would generate the same number of trips and therefore equivalent air quality, noise and GHG impacts. Should the transfer occur over multiple sites, the possibility exists for greater impact to existing uses (due to proximity) and potentially increased VMT impacts due to the dispersed nature of multiple sites.

As there are no other singular potential sites large enough to fully accommodate the transfer of residential capacity required, consideration of an alternative site other than the MSJC Site was deemed infeasible and was not carried forward for further analysis.

10.1.2 Increased Commercial Use Alternative

Under the existing ITE rates used to develop traffic models, commercial trip generation rates are substantially higher than that of the highest intensity industrial use. Therefore, increased commercial intensity or replacement of any industrial use with commercial use would generate more traffic than would the industrial uses under the Development Project. As the Development Project already has significant project-level and cumulative air quality and greenhouse gas impacts, and because mobile source emissions are the greatest contributor to these emissions, it is reasonable to conclude that increases in project traffic resulting from more intensive commercial uses would be equally or more significant and unavoidable. As this potential alternative would not substantially lessen or avoid significant and unavoidable impacts associated with the Development Project, this alternative was rejected from further consideration in the Draft EIR.

10.1.3 Office Use Alternative

The traffic assessment for the Development Project anticipated a variety of industrial uses. The daily and peak hour trips for the most traffic intensive industrial use estimated daily, a.m. peak hour, and p.m. peak hour rates are 4.96, 0.70, and 0.63 trips per 1,000 square feet of use, respectively. Trip generation rates for general office uses in an urban/suburban setting are 10.84 daily trips, 1.52 a.m. peak hour trips, and 1.44 p.m. peak hour trips per 1,000 square feet. This rejected alternative would generate approximately 59,533 passenger cars trips from offices uses and 7,702 from commercial uses (67,255 passenger car trips total). Truck uses generated total 1,718 trips with 554 and 1,164 generated from office and commercial uses, respectively. In comparison, the Development project generates 17,166 passenger vehicle 3,330 truck trips (20,496 trips total). While truck trips are 52 percent of that associated with the Development project, passenger vehicle trips are increased by nearly 400 percent.

As mobile source emissions are the primary contributor of pollutants and greenhouse gas emissions, with the increase in traffic associated with development of office uses, it is reasonable to conclude that increases in traffic under this potential alternative would increase the level of pollutants and greenhouse gases emitted, and similar to the Development Project would result in significant and unavoidable project-specific and cumulative impacts.

As this potential alternative would not substantially lessen or avoid the significant and unavoidable impacts associated with the Development Project, this alternative was rejected from further consideration in the Draft EIR.

10.1.4 Residential Alternative (with Annexation)

This alternative would analyze development of the Development Site with a mix of residential options and includes annexation of the Southern Portion of the Development Site into the City for redevelopment with residential uses. Alternative 2 (Existing General Plan and Zoning) already considers potential impacts associated with development of the Development Site with residential uses. Furthermore, without inclusion of development of commercial or industrial uses in this portion of the Development Site, which is in the City's sphere of influence, it is not likely this potential alternative would generate sufficient revenue to justify annexation into the City; therefore, this alterative was rejected from further consideration in the Draft EIR.

10.1.5 Reduced Residential Alternative

A reduction in the amount of residential development was considered and not addressed further in the Draft EIR as it would require the City to justify that zoning reduction under State law based on public health and safety reasons. Furthermore, such an alternative would fail to satisfy any of the basic project objectives identified by the City for development of the Project.

10.1.6 Increased Residential Alternative

Alternative 2 envisions development of 1,630 units on the Development Site. As detailed in Section 8.4 of the Draft EIR, Alternative 2 was determined to generate vehicle trips and air pollutants in excess of that associated with the Development Project. A potential alternative further increasing the residential density of the Development Site was considered, though rejected as it would generate traffic in excess of that identified for the Development Project, proportionally increase the emission of air and greenhouse gas pollutants as compared with Alternative 2, and likely increase vehicle miles traveled, making it unlikely to substantially lessen or avoid any of the significant impacts associated with the Development Project.

It is reasonable to conclude that increasing residential density beyond that identified in Alternative 2, when compared to the Development Project, these exceedances would be further increased. Furthermore, use of the site for residential development would not satisfy the most of the basic project objectives identified by the City for development of the Development Site; therefore, this potential alternative was not further considered in the Draft EIR.

10.2 ALTERNATIVES UNDER CONSIDERATION

10.2.1 No Project/No Build Alternative

Finding

The City finds that the No Project/No Build Alternative fails to satisfy the Project's underlying purpose and fails to meet most of the basic the project objectives, and rejects it on that basis. The City finds that each of these reasons is an independent ground for rejecting the No Project/No Build Alternative, and by itself, independent of any other reason, justifies and hereby rejects the No Project/No Build Alternative.

Substantial Evidence

This alternative was analyzed by the City as required by CEQA Guidelines Section 15126.6(e)(3) to compare the environmental effects of the Project with an alternative that would leave the Project Sites in their existing condition (as described in Draft EIR Section 3.3). The No Project/No Build Alternative (Alternative 1) assumes that the 533.8-acre Development Site would remain in its current undeveloped condition, and the Development Site would not be rezoned. Incidental grazing and agricultural uses could take place but would not be anticipated to occur on a large-scale basis. Under this Alternative, the MSJC Site would not be rezoned, as there would be no requirement to concurrently rezone another site to avoid net loss of residential capacity; therefore, no potential for future development of the MSJC Site with residential uses would occur. The Sunset Avenue Bridge, which was approved as part of the entitlements for the RSG project, would proceed as required to construct the RSG project.

Because Alternative 1 would retain the Development Site in its current undeveloped condition, the significant and unavoidable air quality, greenhouse, noise, and VMT-related impacts associated with the Development Project would not occur. While this alternative would eliminate the significant and unavoidable impacts associated with the Development Project, it would not meet any of the project objectives. Refer to EIR Section 8.3 for a complete description and evaluation of this alternative.

The No Project/No Build Alternative would result in no physical environmental impacts to the Project Sites. Agricultural uses could incidentally proceed but would not be anticipated on a large-scale basis. In the absence of development, there would be no impact in terms of construction and operational air quality, biological resources, cultural resources, energy use, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, construction and operational noise, public services, recreation, transportation, tribal cultural resources, or utilities and service systems. There would be no impacts with respect to land use as there would be no change to the City or County General Plans or zoning.

Under this Alternative, the City could proceed with construction of the Public Facilities to service existing and future demand consistent with the forecasts in the General Plan and/or Integrated Water Plan. As the City maintains more housing than available employment opportunities, absent the Development Project's 5,993 new jobs the construction and occupation of other large residential projects in the City may exacerbate the existing job-housing imbalance since the Project serves to improve the jobs-housing imbalance in the City. The absence of these job opportunities could cause persons to travel further for employment, which could indirectly contribute to a regional increase in VMT, although in the absence of development there would be no direct impacts to VMT. In the absence of fire protection afforded by the Development Project (e.g., development of a fire protection plan, including requirements for ignition resistant building materials, infrastructure improvements, hardened surfaces, landscape management and established of fuel management zones), and due to the extent and volume of existing ignition sources, this alternative could result in greater fire hazard risk to residential areas (e.g., Sun Lakes Community). Therefore, compared to the Project, there is a potential that fire hazards under this alternative may be increased. Although it is reasonable that current fire protection requirements and fire service providers would continue to provide an appropriate level of service to existing uses in the project area, and compliance with current fire protection standards/practices required by the City (e.g., clearance of flammable vegetation, etc.) would continue (see Draft EIR, Section 8.3.2.20).

Further, this Alternative fails to meet the project objectives as described in Section 3.7 of the Draft EIR. Because it would result in no new uses, this Alternative would not: (1) create positive fiscal impact to the City, (2) promote job creating uses that reduce the need for City residents to commute outside of the City for employment, (3) improve transportation efficiency by taking advantage of the site's proximity to local and regional access for industrial and commercial use, (4) address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities, (5) provide uses that allow for a diversified economy, complements existing uses, and provide a range of employment opportunities, or (6) increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities.

10.2.2 No Project/Existing General Plan and Zoning Alternative

Finding

The City finds that the No Project/Existing General Plan and Zoning Alternative fails to reduce significant Development Project impacts and does not meet most of the basic project objectives. Specifically, this alternative fails to reduce the emission levels of criteria pollutants and GHGs to less than significant levels. The VMT impact and construction noise (off-site roadway/utility construction only) would also remain significant.

The development of residential and commercial uses under this would not meet most of the primary project objectives and would increase residential uses in the City without sufficiently increasing the level of employment, exacerbating the existing jobs/housing imbalance and creating additional fiscal impacts without commensurate revenue increases. The City finds that each of these reasons is an independent ground for rejecting the No Project/Existing General Plan and Zoning Alternative, and by itself, independent of any other reason, justifies the rejection of, and hereby rejects the No Project/Existing General Plan and Zoning Build Alternative.

Substantial Evidence

In accordance with CEQA Guidelines Section 15126.6(e)(3)(A), the No Project/Existing General Plan and Zoning Alternative considers development of the Project Site with land uses that are consistent with the current City and Riverside County General Plan land use designations. This alternative assumes that the Development Site would remain undeveloped in the short term, but that future development could occur pursuant to existing City commercial and residential and County residential land use and zoning standards. Total residential development under this alternative would be comprised of 1,630 units. As with the Project, this alternative analyzes development of a 125 room hotel (approximately 90,000 square feet), a 7,500-square-foot Travel Center, and 260,900 square feet of commercial/retail uses. As there would be no net loss in residential capacity under this Alternative, the MSJC Site would not be rezoned for residential development. Refer to Section 8.4 of the Draft EIR for a complete description and evaluation of this alternative.

As detailed in Section 8.4 and Table 8.D of the Draft EIR, Alternative 2 would reduce the overall emission of air pollutants and greenhouse gases compared to the Development Project, though the reduction would be insufficient to reduce the emissions to below established thresholds of significance and the air quality and greenhouse gas impacts would remain significant and unavoidable. Similar to the Development Project, this alternative would not be consistent with Criterion 2 of the SCAQMD *CEQA Air Quality Handbook* because it would increase violations of the State and federal ambient air quality standards (AAQS) and delay the timely attainment of air quality standards indicated in the AQMP, and impacts would be significant and unavoidable. A slight increase in overall ADT (384 total trips) would occur, with the reduction in truck traffic (65 percent reduction) contributing to reductions in emissions of VOCs (35 percent), NOx (64 percent), SO (33 percent), PM_{10} (26 percent) and $PM_{2.5}$ (27 percent), compared to the Development Project (Final EIR, Revised Table 8.B). The increase in emissions of CO (24 percent) under this alternative would exceed the 550 pounds/day threshold for this pollutant established by the SCAQMD. Because other pollutants while reduced compared to the Development Project, still exceed significance thresholds, the overall significant impact of this alternative compared to the Development Project is unchanged.

Adding residential density and intensity as envisioned by this alternative would reduce the VMT per capita; however, the retail component would increase boundary VMT to the region. Further, although VMT impacts are reduced as compared with the Project, until specific tenants are identified for commercial uses, as with the Development Project it is infeasible to impose and implement specific VMT reduction measures such as traffic demand management measures at commercial uses at this time, and the VMT impact under this alternative remains potentially significant and unavoidable.

Due to changes in land use and a reduction in VMT, compared to the Development Project this alternative would result in a 32 percent decrease in GHGs generated (Final EIR, Revised Table 8.D), but the level of GHGs emitted (26,314.85 MTCO2e/year) would still exceed established thresholds of significance (3,000 MTCO2e/year). Therefore, greenhouse gas impacts would be significant and unavoidable under this alternative.

Based on the supplemental noise assessment (Final EIR, Appendix I-2), the significant traffic and stationary noise impacts resulting from implementation of the Development Project that were previously identified in the Draft EIR were eliminated. Due to the primarily residential nature of residential nature of the uses under this alternative, and the substantial decrease of truck traffic, the operational noise impact (both traffic-related and from stationary sources) under this alternative would be less than significant. Due to a similarity of construction activity, a similar level of construction noise is expected under this alternative. As with the Development Project, implementation of minimum 10-foot-high temporary construction barrier at the construction boundary when project construction activities are within 100 feet from the nearest residential structure would reduce construction noise levels by a minimum of 6 dBA and would reduce construction noise levels to 49.7 dBA L_{eq}. With the reduction achieved by a similar mitigation, the construction noise impact resulting from this alternative also would be less than significant.

As development under this alternative (as with the Development Project) would result in earth disturbance, removal of existing natural vegetation, and landform modification throughout the site, land-based impacts (agricultural, cultural, mineral resources, hydrology, etc.) would be expected to be similar to those associated with the Development Project. Generally, residential uses have higher fiscal impacts related to the provision of public services and would generally generate less revenue to support the resultant population. As this alternative would result in the development of the Development Site under existing land use and zoning designations, it is consistent with the land use and planning policies as well as local and regional population/housing forecasts. While the demand for electricity and diesel fuel under this alternative is reduced, development with residential uses under Alternative 2 would result in a substantial increase in the demand for natural gas and gasoline as compared with the Development Project.

This alternative would not provide, to the same extent as the Development Project or either Alternatives 3 or 4, the level of employment, variety of uses, or revenue increases, and would not meet most of the basic project objectives: (1) create positive fiscal impact to the City, (2) promote job creating uses that reduce the need for City residents to commute outside of the City for employment, (3) improve transportation efficiency by taking advantage of the site's proximity to local and regional access for industrial and commercial use, (4) address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities, (5) provide uses that allow for a diversified economy, complements existing uses, and

provide a range of employment opportunities, or (6) increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities. The retention of the commercial center under this alternative would satisfy to a much lesser degree some of the basic project objectives, though the overall the primary objectives of job creation, providing for a balanced and diversified land use that maximizes economic opportunity; and the establishment of land uses that will create a positive fiscal impact for the City, for the Project would not be realized with the substantial development of residential uses. As this alternative does not include any industrial uses and only minimal commercial uses, the project objectives would be substantially unrealized with this alternative (see EIR, Table 8.S).

10.2.3 Reduced Commercial Alternative

Finding

The City finds the Reduced Commercial Alternative fails to reduce significant and unavoidable impacts of the Project to less than significant and fails to sufficiently satisfy most of the basic project objectives. It provides fewer jobs, reduced levels of sales and property tax revenue and a reduced variety of commercial opportunities as compared with the Project. The City finds that each of these reasons is an independent ground for rejecting the Reduced Commercial Alternative and by itself, independent of any other reason, justifies and hereby rejects the Reduced Commercial Alternative.

Substantial Evidence

This alternative assumes that the annexation of the Southern Portion of the Development Site proceeds and that the Development Project proceeds with the following changes: Commercial uses are removed from the Development Project with the exception of the hotel (approximately 90,000 square feet and 125 rooms) and travel center (7,500 square feet), resulting in removal of 260,900 square feet of commercial development. The area identified currently for those commercial uses in the Northern Portion of the Development Site would be replaced with 260,900 square feet of 'warehousing' uses (ITE LU 150). Other industrial uses will remain the same throughout the Development Site (same location, size, use, and ITE rates). In total, development under this alternative includes 5,805,900 square feet of industrial uses. As with the Project, to avoid net loss in residential capacity, the MSJC Site would be rezoned to allow development of up to 1,181 residential units. Refer to EIR Section 8.5 for a complete description and evaluation of this alternative.

Though emissions of criteria pollutants are reduced under this alternative as compared with the Development Project, development under this alternative would not reduce the levels of criteria pollutants to below established significance thresholds. Changes in composition of the traffic associated with this alternative would slightly reduce emissions of some pollutants (e.g., VOCs, NO_X) while increasing emissions of others (e.g., CO, SO, PM_{10}, and $PM_{2.5}$). While SO_X is reduced by a greater percentage, impacts are less than significant under both the Development Project and this alternative. CO emissions are increased under this Alternative as compared to the Development Project, but as with the Development project, do not exceed SCAQMD thresholds. Despite changes in composition of the traffic associated with this alternative, mitigated emissions of VOC, NO_X, PM_{10} and $PM_{2.5}$ remain above SCAQMD thresholds and impacts would remain significant and unavoidable.

During operation of this alternative, the volume of VOC and NOX would be reduced to approximately 165 and 323 pounds/day, respectively. In addition, under this Alternative, the volume of CO, PM_{10}, and $PM_{2.5}$ would be increased to 541, 240, and 65 pounds/day respectively (see Final EIR, revised Table 8.G). Despite the volume reductions achieved under this alternative, emissions of VOC, NO_X, PM_{10} and $PM_{2.5}$ after mitigation still remain above SCAQMD thresholds and impacts would remain significant and unavoidable. This alternative increases CO emissions to above the SCAQMD threshold of 550 lbs./day, an impact that does not occur under the Development Project. The new exceedance of CO further contributes to the significance determination. Mitigation Measures AIR-1 and AIR-2, as revised in the Final EIR to address public comments regarding the Draft EIR, still do not reduce emission levels to below established SCAQMD significance thresholds. Compared to the Development Project, the significant air quality impacts under this alternative are similar and significant. Based on the requirements for consistency with emission control strategies in the AQMP, this alternative would conflict with or obstruct the implementation of the AQMP; therefore, similar to the Development Project, impacts would be significant and unavoidable.

Compared to the Project, this alternative would reduce to some degree overall ADTs (18.2 percent) and VMT (13.4 percent) (see Final EIR, revised Table 8.Q). This alternative also reduces overall demand for electricity, natural gas, and vehicle fuels (see Final EIR, revised Table 8.H). Therefore, this alternative would result in reduced greenhouse gas emissions (32,801.19 MTCO2e/year, a 15.3 percent reduction compared to the Development Project) (see Final EIR, revised Table 8.I), as compared to the Development Project after implementation of mitigation measures, but would not reduce the greenhouse gas emissions to below the established threshold of significance of 3,000 MTCO2e/year. As such, similar to the Development Project, greenhouse gas impacts under this alternative would remain significant and unavoidable.

The reduced retail component and increase in industrial uses results in VMT per employee being nominally reduced, although still above the City's VMT impact threshold. The reduction of locally serving retail uses in Alternative 3 results in an increased trip length for the service population (i.e., population and employees) in the nearby area seeking retail services that may now be further away. This alternative would implement a Transportation Demand Management Strategy report incorporating the same features (PDFs T-1 through T-3) as the Development Project and VMT under this alternative would be reduced by 13.4 percent compared to the Development Project. Nevertheless, the VMT impact resulting from this alternative remains significant and unavoidable.

Due to the similarity of uses, this alternative would also implement the project design features identified after public review (PDFs N-1 and N-2) which eliminate the traffic noise impacts along Sunset Avenue, and the nighttime operation noise impacts to sensitive receptors south of Bobcat Road identified in the Draft EIR. As such, noise impacts under this alternative would be similar to but slightly less than those associated with the Development Project and less than significant. The development proposed under this alternative would require mass grading, fine grading, and various construction activities across the site at a location, extent, intensity and duration similar to that required of the Development Project; therefore, noise associated with grading and construction operations would also be substantially similar. As with the Development Project, implementation of minimum 10-foot-high temporary construction barrier at the construction boundary (as required under Mitigation Measure NOI-1) when project construction activities are within 100 feet from the

nearest residential structure would reduce construction noise levels by a minimum of 6 dBA and would reduce construction noise levels to 49.7 dBA Leq. With the reduction achieved by a similar mitigation, the construction noise impact resulting from this alternative also would be less than significant.

A similar suite of land use entitlement modifications would be required to develop either this alternative or the Development Project and physical modifications to the Development Site such as earth disturbance, removal of existing natural vegetation, and landform modification under this alternative would result in substantially similar building footprints as what is planned under the Development Project. With adherence to standard City codes, regulations, standards, and/or project-specific mitigation, it is reasonable that this alternative would have similar aesthetics, agricultural, biological resource, wildfire, hydrology and water quality, recreational, and cultural and tribal cultural resource impacts to those associated with the Development Project. The replacement of the commercial uses with an additional warehouse building will slightly reduce (4.5 percent) potential future jobs available (from 5,993 jobs to 5,725 jobs and would result in incremental changes in the demand for public services and utilities as commercial uses would be decreased and industrial uses increased, resulting in a decreased demand for water (to 90.6% of that required for the Development Project) and a reduction in wastewater but with no change in solid water requirements and for both this alternative and the Development Project would have less than significant impacts.

While the Reduced Commercial Alternative would satisfy most of the basic project objectives, removal of commercial, entertainment, and leisure-related attractions geared to a multi-generational, regional cliental under this alternative deprives the City of a balanced, diversified use of the Development Site, reduces the number and variety of employment opportunities, and creates a reduced fiscal benefit to the City. (See Final EIR, Table 8.S.) The hotel and travel center uses retained under Alternative 3 (Reduced Commercial) would provide a less diversified economy and more limited range of commercial employment opportunities than included in the Development Project. The Development Project's regional commercial and entertainment leisure-focused attractions provide opportunities for retail and professional office development that are either not currently available or not available in this configuration in the City of Banning. As such, the removal of these uses would result in Alternative 3 satisfying the objectives of the Project to a lesser extent than the Development Project because it would not provide jobs to the same extent as the Development Project (5,725 jobs under this alternative versus 5,993 with the Development Project), would result in reduced levels of sales and property tax revenue, and a reduced variety of commercial opportunities (see Final EIR, Table 8.S).

10.2.4 Reduced Industrial Alternative

Finding

The City finds that the Reduced Industrial Alternative (Alternative 4) does not meet most of the basic project objectives to the same extent as the Development Project and lessens but does not reduce the significant environmental impacts of the Project to less than significant. The City finds that each of the reasons set forth below is an independent ground for rejecting the Reduced Industrial Alternative, and by itself, independent of any other reason, justifies and hereby rejects the Reduced Industrial Alternative.

Substantial Evidence

The Reduced Industrial Alternative assumes that the annexation of the Southern Portion of the Development Site proceeds and that the Development Project proceeds, but with the elimination of Building 9 (274,000 square feet of warehousing uses). This alternative further combines the cold storage uses into a single building (combined Building 5/6). This alternative reduces industrial building square footage by approximately 7.6 percent. This alternative foregoes the extension of Lincoln Street over the Smith Creek drainage. All other components of the Development Project would remain unchanged. Due to these changes, the overall footprint and square footage of industrial development of the Development Project is reduced. Alternative 4 reduces but does not eliminate the significant impacts associated with the Development Project.

Emissions of criteria pollutants under Alternative 4 are reduced as compared with the Development Project, but not to a sufficient extent to reduce the levels of criteria pollutants below established significance thresholds. This alternative would slightly reduce ADTs (total traffic generated under this alternative represents approximately 97.6 percent of the traffic associated with the Development Project) and VMT (reduction of 6.4 percent) (see Final EIR, revised Table 8.Q), which would also slightly reduce the overall emission of air pollutants and greenhouse gases. During operation of this alternative, the volume of all criteria pollutants would be reduced or remain the same: VOC (reduction of 5%), NOX (reduction of 6%), CO (reduction of 2%), SO (no change), PM_{10} (reduction of 4%) and $PM_{2.5}$ (reduction of 5%) (see Final EIR, revised Table 9.L). Mitigation Measures AIR-1 and AIR-2, as revised in the Final EIR to address public comments regarding the Draft EIR, still do not reduce emission levels to below SCAQMD significance thresholds. Despite the reductions achieved under this alternative, and even with revised mitigation, emissions of all criteria pollutants under this alternative, as with the Development Project, remain significant and unavoidable. Because development under this alternative would require a general plan land use change, similar to the Development Project, it would not be consistent with AQMP Consistency Criterion No. 1. The reduction in truck trips (202 daily trips) associated with this alternative would proportionally reduce TAC emissions; the TAC emissions and health risks resulting from the operation of industrial uses permitted under this alternative but as compared with the Development Project, both would remain similar and less than significant.

The mitigated greenhouse gas emissions resulting from this alternative total 33,829.54 MTCO2e/year or a reduction of 12.6 percent as compared with the Development Project (see Final EIR, revised Table 8.N) but would not reduce the emissions to below the 3,000 MTCO2e/year threshold of significance. As such, similar to the Development Project, greenhouse gas impacts under this alternative would remain significant and unavoidable.

Although implementation of Alternative 4 would reduce VMT, because Alternative 4 assumes a reduction in industrial intensity it results in no change of VMT per employee. As the City of Banning's VMT threshold is framed in an efficiency metric, the reduction of intensity and the subsequent reduction of employees remains proportional to the home-based work VMT generated. Therefore, as with the Project, VMT under Alternative 4 scenario in its entirety remains significant and unavoidable.

Due to the similarity of uses, Alternative 4 would also implement the project design features adopted subsequent to public review of the Draft EIR (PDFs N-1 and N-2) which eliminate the traffic noise impacts along Sunset Avenue, and the nighttime operation noise impacts to sensitive receptors south

of Bobcat Road identified in the Draft EIR. As such, construction noise impacts under this alternative would be similarly to those associated with the Development Project, and operational noise impacts would be slightly lower than the Development Project. Therefore, this alternative would have similar impacts to the Development project and would be less than significant.

A similar suite of land use entitlement modifications would be required to develop either this alternative or the Development Project. Due to the removal of Building 9 under this alternative, the Lincoln Street crossing of Smith Creek is not required; therefore, impacts to biological resources and jurisdictional features are reduced and no change in the rate or capacity of sediment transport would occur in this drainage. Because the area planned for Building 9 would remain undeveloped, development under this alternative would reduce the overall extent of earth disturbance and reduce the amount existing natural vegetation removed. Landform modification throughout the balance of the Development Site would result in substantially similar building footprints as what is planned under the Development Project and would have similar aesthetics, agricultural, wildfire, hydrology and water quality and cultural and tribal cultural resource impacts as well as recreational impacts to those associated with the Development Project. Incremental changes in the demand for public services and utilities would occur. Because the industrial uses are reduced under this Alternative, the overall demand for electricity, natural gas, and vehicle fuel is reduced as compared with the Development Project.

The Reduced Industrial Alternative would satisfy (see Draft EIR, Table 8.S) most of the project objectives, though to a lesser extent than the Development Project. Alternative 4 provides a similar diversified economy but has a lower range of employment opportunities than the Development Project (5,584 jobs versus 5,993 jobs for the Development Project). Because it retains the commercial uses, this alternative would meet the City's objectives of accommodating development that generates sales and property tax revenues that can increase City revenues and assist in offsetting other public services costs incurred by the City but to a lesser extent than the Development Project. As compared with the Development Project, as a result of the 7.6 % reduction in overall industrial building square footage under Alternative 4, property tax revenue from industrial buildings would be reduced as a result of the reduction in assessed valuation, and Development Project contributions under the Development Agreement, DIF fee payments, service use tax and other project related revenues, which are substantially tied to project square footage, would be reduced commensurately (by approximately 7.6%). The reduction in square footage and employees under Alternative 4 as compared with the Development Project result in decreases in a variety of revenue streams to the City without eliminating the significant unavoidable impacts of the Development Project. Although reduced, all of the significant unavoidable impacts of the Development Project would remain with this alternative.

10.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Finding

The City finds that Alternative 1 (No Project/No Build Alternative) would be environmentally superior to the Development Project based on the avoidance of physical environmental impacts and the avoidance of significant and unavoidable air quality, greenhouse, construction noise (roadway/utility improvements only), and VMT-related impacts associated with the Development Project; however, Alternative 1 does not meet any of the project objectives.

CEQA Guidelines Section 15126.6(e)(2) requires that the EIR identify an environmentally superior alternative among the other alternatives if the no project alternative is the environmentally superior alternative. Therefore, the City finds that Alternative 4 is the environmentally superior alternative as it would slightly reduce environmental effects compared to the Project and would further reduce the less than significant biological and jurisdictional waters impacts of the Development Project and Alternatives 2 and 3 while meeting most of the basic project objectives. However, the City further finds that as compared with the Development Project, Alternative 4 would produce fewer employment opportunities and would result in substantial reductions in tax, service tax and DIF fees and payments to the City which are linked to or based on project square footage. Under Alternative 4, the significant and unavoidable impacts associated with the Development Project remain. Although, as with the Development Project and Alternatives 2 and 3, mitigated impacts to Biological Resources and Hydrology are less than significant, the removal of Building 9 under Alternative 4 eliminates the need for a crossing over Smith Creek (at Lincoln Street) thus eliminating the need for mitigation to reduce potential impacts to less than significant. Compared to the Development Project, Alternative 4 slightly reduces air pollutants, greenhouse gas emissions, noise, and overall traffic, reduces the number of crossings of sensitive drainage features, maintains existing sediment transport in Smith Creek, and meets most of the basic project objectives. As compared with Alternative 3, Alternative 4 slightly reduces air pollutants and its GHG emissions are very similar to Alternative 3, and Alternative 4 would be substantially more effective in meeting the City's basic project objectives. Further, although Alternative 3 contributes slightly less to the other significant and unavoidable impacts of the Project than does Alternative 4, under both Alternative 3 and Alternative 4, the significant and unavoidable impacts associated with the Development Project remain. Therefore, the City finds that Alternative 4 is the Environmentally Superior Alternative.

Substantial Evidence

As detailed in **Section 8.4** and **Table 8.D**, Alternative 2 would reduce the overall emission of air pollutants and greenhouse gases, though the reduction would be insufficient to reduce the emissions to below established thresholds of significance and the air quality and greenhouse gas impacts would remain significant and unavoidable. Furthermore, while adding residential density and intensity to the Project would reduce the VMT per capita, the retail component continues to increase boundary VMT to the region; therefore, the VMT impact resulting from Alternative 2 in its entirety would be considered potentially significant. Changes in vehicle traffic and the removal of large industrial buildings that would occur under Alternative 2 would reduce traffic-related and stationary noise sources; though the significant and unavoidable operational impacts of the Development Project previously identified in the Draft EIR (e.g. operational traffic noise east of Sunset Avenue and nighttime operational noise south of Bobcat Road) have been eliminated through the implementation of project design features; therefore, the noise impacts associated with Alternative 2 would be similar to that of the Development Project, and less than significant (Draft EIR Section 8.7).

Compared to the Development Project and Alternative 4, Alternative 3 increases emissions of CO, SO, PM_{10}, and $PM_{2.5}$, with emissions of CO increasing beyond established significance thresholds (a new impact not created by the Development Project). Under Alterative 4, the level of VOCs, NO_X, CO, PM_{10} and $PM_{2.5}$ criteria pollutants is reduced from that resulting from Development Project. Additionally, when the overall emissions from Alternative 3 and 4 are compared, emissions of VOCs, CO, PM_{10} and $PM_{2.5}$ criteria pollutants for Alternative 4 are the lower of the two, except for emissions of NO_X (which

are 5 lb/day or one percent greater than NOx emission from Alternative 3). As detailed in **REVISED Tables 8.G and 8.L,** both alternatives still exceed the established significance thresholds, and would require mitigation. While implementation of revised Mitigation Measures AIR-1 and AIR-2 would apply equally to either alternative, the air quality impacts of either alternative remains, similar to the Development Project, significant and unavoidable. Since Alternative 4 does reduce the level of all criteria pollutants (when compared to the Development Project) and does not result in a new CO exceedance (see **REVISED Table 8.Q**), of the two, Alternative 4 provides a greater reduction in pollutant levels.

While the significant and unavoidable air quality, greenhouse gas, noise, and VMT impacts would still occur under either of these alternatives, as established in **Sections 8.5 and 8.6** and as compared to the Development Project, Alternative 4's relative contribution to these impacts is slightly reduced. Project design features PDF N-1 and PDF N-2 would apply equally to either Alternative 3 or 4, and similar to the effect of these features on the Development Project, the traffic related noise (east of Sunset Avenue) and operational noise (south of Bobcat Road) would be reduced to a less than significant level under either alternative. Like the Development Project, the significant and unavoidable construction impact resulting from roadway and utility improvements would remain under both Alternative 3 and 4.

With respect to meeting the Project objectives, Alternative 4 would be substantially more effective (see Table 8.S) in meeting the City's basic project objectives than would Alternative 3. Alternative 4 meets all of the basic project objectives compared to Alternative 3, although to a lesser degree than the Development Project, and with the removal of Building 9, eliminates the need for a crossing over Smith Creek (at Lincoln Street) and retains the area planned for Building 9 in an undeveloped state reducing the overall extent of earth disturbance and the amount existing natural vegetation removed. Draft EIR Section 8.6.3.

The hotel and travel center uses retained under Alternative 3 (Reduced Commercial) would provide a less diversified economy and more limited range of commercial employment opportunities than that included in Alternative 4 (Reduced Industrial). In addition, Alternative 3 would provide much less sales tax revenue and reduced property tax revenue than Alternative 4 (Reduced Industrial) and would be materially less effective in satisfying the City's economically based objectives for development of the Development Site.

The City's economically based objectives are of critical importance to the City. In its 2023 and 2024 fiscal years, the City has had to draw from reserves to meet its general fund budgeted requirements. Therefore, while Alternative 4 is the environmentally superior alternative and best meets most of the basic objectives over the other alternatives, the reduction in revenue over the Development Project is problematic for the City. Further, Alternative 4 reduces the scope of but does not eliminate the significant and unavoidable impacts identified for the Project. The City concludes therefore that the Development Project provides the best balance between the Project objectives, the Project's benefits as described in the Statement of Overriding Considerations, and mitigates environmental impacts to the extent feasible.

ATTACHMENT A

STATEMENT OF OVERRIDING CONSIDERATIONS

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CITY OF BANNING
SUNSET CROSSROADS SPECIFIC PLAN PROJECT
STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 15093 of the State CEQA Guidelines and Section 21081(b) of the Public Resources Code

The City of Banning (the City), upon consideration of all evidence in the record of proceedings for the Project, adopts the following findings based on its independent review and judgment. The City specifically finds and determines that this Statement of Overriding Considerations (Statement) is based upon and supported by substantial evidence in the record. Initially capitalized terms used in this Statement have the meanings set forth in the CEQA Findings to which this Statement is appended.

The City acknowledges that implementation of the Project will result in significant and unavoidable impacts. As detailed in this Statement, the City has carefully considered and balanced the benefits of the Sunset Crossroads Project against its unavoidable environmental risks as required by Section 15093(a) of the State CEQA Guidelines, which states: "[i]f the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.' "Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See Towards Responsibility in Planning v. City Council (1988) 200 Cal App.3d 671; Dusek v. Redevelopment Agency (1985) 173 Cal App. 3d 1029; City of Poway v City of San Diego (1984) 155 Cal App. 3d 1037; Markley v. City Council (1982) 131 Cal App.3d 656.

Public Resource Code Section 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...."

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors."

As the CEQA Lead Agency for the proposed Project, the City has reviewed the EIR, the Project description and the alternatives to the Project presented in the EIR, and the City fully understands the Project, its alternatives, and proposed mitigation measures. The City finds and determines that:

(i) the majority of the significant impacts of the Project will be reduced to less-than significant and acceptable levels by the mitigation measures described in the Final EIR and approved and adopted by these Findings;

(ii) the City's approval of the Project will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and

(iii) all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the DEIR, Final EIR and public testimony and there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level are therefore considered significant and unavoidable. Having considered the potential for the Project to cause or contribute to significant and unavoidable adverse impacts to air quality, greenhouse gas emissions, noise, and transportation, the City hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the significant and unavoidable impacts identified in the EIR, and that no additional feasible mitigation or alternatives are available to further reduce or avoid significant impacts.

The City has carefully considered all of the environmental impacts that have not been mitigated to a less than significant level. The City has also carefully considered the economic, fiscal, legal, social and technological benefits of the Project, as well as other considerations. Based upon the substantial evidence in the administrative record, including but not limited to the EIR and the Development Agreement associated with the Development Project, and as detailed below and the City of Banning Comprehensive Economic Development Strategy (CEDS) 2021-2026 dated December 2021 ("Banning CEDS"), the City finds that specific economic, legal, social, technological or other benefits of the Project outweigh the Project's unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are "acceptable". Specifically, the City finds that each of the following benefits, on their own, is sufficient to justify the adverse environmental effects of the Development Project. This Statement is made as to every significant, unavoidable impacts of the Project identified in the EIR and Findings which occur despite the adoption of feasible mitigation measures, and which create or otherwise contribute to related cumulative impacts and the City finds that any one of these Project benefits standing alone would be sufficient to sustain this Statement.

THE CITY HEREBY FINDS AND DECLARES that, having reduced the adverse significant environmental effects of the Project to the extent feasible by incorporating project design features, taking into account required regulatory measures and adopting the mitigation measures identified in the MMRP, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impacts after mitigation, the City has determined that the social, economic and other benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

1. The Project would meet the Project objectives established by the City.

As demonstrated by the EIR, the Findings, this Statement, the Specific Plan and the remainder of the documents and evidence comprising the administrative record, the Project meets the following objectives established by the City in the Specific Plan and EIR, which objectives are fundamental to the approval of the Project by the City:

- Establish a functional and balanced pattern of land use that maximizes economic opportunity and provides needed public improvements for City residents.

- Establish land uses for properties in the City's sphere of influence that will create positive fiscal impact to the City and provide sufficient fiscal benefit to permit annexation of the property upon which the project is proposed into the City.

- Promote job creating uses that reduce the need for City residents to commute outside of the City for employment, thereby improving the City's jobs to housing ratio.

- Locate industrial and commercial uses that rely on transportation efficiency in areas with convenient access to the local and regional transportation network, thereby minimizing truck traffic on local streets and reducing vehicle miles traveled in the region to the extent feasible.

- Address a need in the City for commercial and industrial land uses that accommodate a variety of modern industrial, business, hospitality, and commercial activities.

- Use comprehensive planning tools to create a master-planned development that will be marketable to users, establish an aesthetically pleasing environment, and minimize impacts to adjoining uses.

- Increase City sales and property tax revenues by establishing commercial and industrial uses in the City that can increase City revenues and assist in offsetting public services costs incurred by the City in development and maintenance of housing and public facilities.

- Assist in managing supply and demand for electric services to maintain and increase the existing renewables portfolio standard while minimizing costs to rate payers.

- Assist the City in developing roadway and utility infrastructure to support the anticipated growth requirements of the City and to improve accessibility in areas of the City and the City's sphere of influence that currently have limited infrastructure to serve the needs of local residents and businesses.

- Conserve natural drainage features and open space to provide a balance between the built and natural environment.

2. The Development Project is consistent with and will contribute to achieving the policies, goals and objectives established by the City of Banning General Plan.

The Development Project will establish a functional and balanced pattern of land use that maximizes economic opportunity and provides needed public improvements for City residents. Implementing the City's General Plan and its policies is a legal and social prerogative of the City. The City of Banning General Plan Land Use Element seeks to ensure a balance of residential, commercial, industrial, open space and public lands, and to allow changes to the General Plan land use categories for the remaining capacity of undeveloped land. The addition of industrial, retail, professional and medical offices, education, recreation, and hospitality uses that are permitted by the Sunset Crossroads Specific Plan will contribute to the City of Banning's sales tax base and will provide a diverse set of modern uses to support job creation, needed retail, wellness and medical services as well as leisure activities of City residents and visitors, consistent with these policies. The Sunset Crossroads Specific Plan retains the existing General Commercial designation for the northeastern portion of the Development Site and the Open Space – Park, and Open Space –Resources land uses elsewhere on the Development Site to provide recreational opportunities and avoid development of riparian/riverine resources and related upland areas. The remainder of the Development Site is redesignated with the adoption of the Development Project from Residential to Industrial. The Land Use Element recognizes that industrial development has been and will continue to be an important source of jobs in the City and incorporates policies to allow the City to attract industrial land uses. Large-scale residential development is occurring in other areas of the City and residentially-zoned land makes up 53 percent of all the vacant land in the City, while open space comprises 35 percent. Although industrial and commercial development are key economic drivers to the City to achieve fiscal sustainability, only 12 percent of undeveloped land in the City is zoned commercial, industrial, and public facilities and only 8 percent of developed land is zoned for existing industrial uses. Further, as identified in Chapter 8.0 of the DEIR, there is limited undeveloped land available in the City for large-scale industrial development and no single undeveloped property in the City is of sufficient size to accommodate the range and size of uses of the Development Project. Development of the Development Project on undeveloped land in the City and within the City's sphere of influence would expand industrial options within the City and San Gorgonio Pass region in a manner consistent with General Plan goals, policies and objectives.

The General Plan also identifies specific plans as an important tool in the coordinated development of larger parcels, or of projects which propose a variety of land uses to ensure the coordinated, orderly development of a project. To minimize impacts to adjoining uses, and to assure that the design, development, operation, and maintenance of uses, infrastructure, landscaping and open space will be consistent with the General Plan, each specific plan will develop standards and guidelines directing development. Circulation and infrastructure improvements would also be required to be in conformance with the roadway classification and design outlined in the City's General Plan. Thus, the Project is consistent with and furthers the City' General Plan policies, goals and objectives.

3. The Project meets the core economic objectives of the City identified in the City's Comprehensive Economic Development Strategy (2021-2026) ("Banning CEDS") and General Plan, as follows:

a. Increase fiscal revenue generation.

The General Plan identifies that the City's tax revenues have not kept pace with its need for services. As described in the Fiscal Impact Analysis attached as Exhibit 1 to this Statement ("Fiscal Impact Analysis"), the construction and development of the Development Site would produce an economic stimulus as a result of the payment of one-time fees including estimated total development impact fees to the City and region of approximately $71 million based on the current fee schedule in effect. The City fees are used to fund police, fire, general city, wastewater, water, and traffic control facilities and regional fees support transportation and conservation policies of the region that enhance transportation infrastructure and open space conservation in a manner that supports City needs and policies. Additionally, construction of the Development Project would result in the payment of fees designated for the Banning Unified School District for discretionary use, which would provide a benefit to current and future residents of the City.

The Fiscal Impact Analysis identifies net recurring annual general fund surplus paid to the City at buildout, of approximately $2.95 million. The Development Project is expected to result in approximately $1.75 million of recurring annual expenditure to the City associated with the Development Project. These annual revenues more than cover the costs to the City associated with the Development Project and as a result will offset certain public services costs incurred by the City from the development and maintenance in the City of uses such as housing and public facilities that have a negative fiscal impact. Additionally, the $2.95 million in net recurring annual general fund surplus will serve to reduce or eliminate the need to expend cash reserves, such as was done in fiscal years 2022–23 and 2023–24 when city cashflows from operations were negative, or avoid the reduction of services provided to citizens within the City due to general fund limitations.

Through the Development Agreement, the Development Project will also support a City created service special tax establishing a perpetual maintenance tax on industrial portions of the Development Project to contribute to the City's long-term infrastructure maintenance. .

Development and construction of the Project will create both temporary and permanent onsite jobs, will indirectly support local and regional jobs and will create a one-time stimulus to the local and regional economies. The Development Project is estimated to generate approximately 3,500 annual full time equivalent construction related jobs, and over 5,500 permanent jobs. Temporary construction and long-term operational jobs created by the Development Project would result in increased spending throughout the region, including in the City. Any development of the MSJC Site, should it occur, would create construction jobs and one-time development impact fee revenues to the City as well. It is anticipated that the Project would increase annual personal earnings through the generation of these new jobs, and these earnings would ripple through the local and regional economy, creating a one-time

increase in output and earnings associated with construction jobs and an on-going increase in output and earnings associated with permanent jobs.

b. Enhance employment, educational and business opportunities and industrial job creation and further a balance of land uses.

The Project will improve industrial job opportunities in the City (and thus the City's jobs-to-housing balance) consistent with Banning General Plan Land Use Element goals and policies. The Land Use Element identifies industrial development as an important source of jobs in the City and notes that industrial development can bring stable and generally higher paying jobs to a community and can induce development in a variety of secondary or supporting industries. The General Plan encourages designation of sufficient industrial lands for manufacturing, warehousing and distribution while carefully considering compatibility with adjacent lands (General Plan Land Use Element-Commercial and Industrial Goals and Policies, Policy 7). The General Plan encourages industrial campuses and master planned projects (General Plan Land Use Element-Commercial and Industrial Goals and Policies, Policy 11).

As identified in the Banning CEDS, compared to Riverside County, Banning has a higher concentration of jobs in the health care and social assistance sector and to a lesser extent in other services. Weaknesses to the economic health of the City identified in the Banning CEDS include outdated zoning that does not precisely consider current land use trends, and a limited job base forcing most workers to commute long distances. Major goals of the City identified in the Banning CEDS are to expand and diversify industrial uses to provide a wide range of quality employment opportunities and expand workforce development programs. (Banning CEDS, p. 34). However, the Banning CEDS indicated that while Riverside County has seen 80 million square feet of new industrial development in the past decade (50% growth) and there has been 4 million square foot growth in the Beaumont / Hemet submarket, there was zero growth in Banning for these uses. The report identifies this as a major job expansion opportunity for the City. (Banning CEDS at p. 15-17).

The Development Project directly supports the City's industrial development goals and objectives in that it is anticipated to provide over 5,500 permanent new jobs, including approximately 4,920 industrial employees, 520 retail employees and 73 service employees (Draft EIR, Table 4.17.A as modified as identified in Supplemental CEQA Memorandum). Job creation associated with industrial and commercial uses is also consistent with the types of jobs sought by Banning residents. According to the US Census Bureau 2019 Average Community Survey 5-Year Estimates cited in the Banning CEDS, approximately 52 percent of the population in Banning aged 25 years and older had high school education or lower, while 15 percent had earned a Bachelor's degree or higher. Riverside County and California featured higher college attainment (22 percent and 34 percent, respectively). As stated in the Banning EDS, "this lack in educational attainment suggests that a sizable proportion of the labor force may not have the education required to compete in the labor market for higher-skilled jobs with higher wages." The range of opportunities provided by the Development Project would suit a range of workers from unskilled to skilled, including food service, retail service, various warehouse positions, hospitality service positions, office worker positions, and management level positions for all industries. With projected employment for the Development Project

anticipated to be over 5,500, the Development Project would provide varied employment opportunities for the City's population through the horizon year of 2045 (Draft EIR, Section 4.14.3.1).

Increasing employment opportunities will also improve the jobs-housing balance in the City and surrounding area (Draft EIR, p. 4.14-4; response to Comment D-3-18), furthering City and regional goals of placing employment near housing to reduce commute times and obtain benefits to the environment from reductions in vehicle miles traveled. Approximately 86.1 percent of Banning residents commute outside of the City for work (Pre-certified Local Housing Data for the City of Banning, Southern California Association of Governments, updated April 2021, page 21). While no specific jobs-housing balance data is available for the City, the SCAG Connect SoCal RTP/SCS Environmental Justice technical report indicates that Riverside County has a jobs-to-housing ratio of 0.88 and previous evaluations indicated that the City of Banning followed similar trends as the County as a whole, with more housing available than employment opportunities within the City. Based on the number of jobs (10,500) and housing stock (12,156 units) in the City, the City's jobs/housing ratio would be calculated at approximately 0.86, slightly lower than Riverside County as a whole. The City follows the general trend of having more housing available than employment opportunities within the City. The Project would provide job opportunities close to home for existing and future Banning residents, which would subsequently help achieve a better job-to-housing balance within the City.

The unemployment in the City and County of Riverside in August 2023 was at 6.6 and 4.6 percent, respectively. (See Monthly Labor Force Data for Cities and Census Designated Places (CDP) April 2024 - Preliminary, California Economic Development Department and response to EIR Comment D-3-18.) By providing job opportunities in a housing-rich area and commercial and industrial uses near the regional transportation network, the Development Project supports the strong planning processes emphasized under the SCAG RTP/SCS, helps reduce commuting distance to jobs, and facilitates more efficient movement of goods throughout the region. Therefore, the Project would have a beneficial impact on the City's job creation goals and support existing residential land uses in the City, with a balance of other uses.

c. Enhance Banning's commercial and residential market by attracting and retaining a healthy balance of local and national businesses.

The Banning CEDS identifies a need for community shopping centers to support existing and planned residential development in the City. The 47.9-acre commercial components of the Sunset Crossroads Specific Plan (referred to as Sunset Crossroads) have been crafted to support City residents by attracting new businesses, including warehouse club uses and leisure, retail, medical office, professional office, education, recreation and entertainment uses along with a freeway accessible 125-room hotel restaurants and wellness facilities,. These uses are either not currently available or not available in this configuration in the City of Banning. As detailed in Section 3.b above, the Development Project would provide approximately 520 retail employees and 73 service jobs generated from commercial use. The addition of retail, and the opportunity for offices, education, recreation, and hospitality uses

will contribute to the City of Banning's sales tax base and will provide a diverse set of uses to create an enjoyable shopping and dining experience and to support leisure activities of City residents and visitors. The Development Project includes design guidelines for on-site development, open space areas, and lighting that would ensure consistency with the City's General Plan goals and policies regarding aesthetics. The project design uses contemporary architecture, lighting and signage, combined with architectural elevations and a variety of uses to create a safe and welcoming environment for residents and visitors and to create a destination that contributes to the long-term prosperity of the City of Banning.

d. Develop a wide range of housing options.

Consistent with goals of the Banning CEDS, through the Sunset Crossroads development, the Development Project would provide additional commercial opportunities that support buildout of properties zoned as residential in the City. At the same time, with the zoning of the MSJC Site southeast of the Development Site for high density residential development allowing at least 1,146 very high density residential units (Draft EIR, p. 4.14-4), the Development Project allows the City to comply with State law mandates that there be no net loss of housing entitlement and to support its Housing Element Goals of achieving a wide range of housing options, including very high density residential units. Although the City General Plan and zoning provides for very high density residential development, there are only limited areas in the City where VHDR zoning is in place and thus this rezoning supports a diversity of housing type options in the City.

As indicated in the City of Banning 6th Cycle Housing Element, low-income households (50 to 80 percent AMI) comprised 24 percent of the City's households, while moderate and above-moderate income households comprised 40 percent of the City and approximately 36 percent of Banning households were considered extremely low or very low-income. Given this income spread, higher density, lower cost housing is an essential element of the City's residential planning effort. Although the MSJC Site is not designated for housing development to support RHNA goals, the Housing Element identified a shortage of VHDR zoning in the City and required the City to develop standards for the VHDR zone with a minimum density of 20 du/acre and maximum of 30 du/acre by October 2023. Application of the City's General Plan requirement for a specific plan overlay for the MSJC Site would ensure that residential development of that site, should it occur, is carried out in a cohesive manner, would account for the provision of adequate public infrastructure (i.e., roads, storm drain, electricity, sewer, potable and recycled water availability), and would provide the opportunity for clustering of residential development on the property, supporting the City's housing goals and objectives.

4. The Development Project will fund critical infrastructure improvements that the City would not otherwise be able to fund with current revenue streams and provide land for development of key City infrastructure projects.

The Development Project will contribute substantial roadway and utility infrastructure through direct construction and payment of development impact fees, fair share fees and public benefit fees that will support the anticipated growth requirements of the City and improve accessibility in areas of the City and the City's sphere of influence that currently have limited infrastructure to

serve the needs of residents and businesses. The City has a detailed Integrated Master Plan (2018), development impact fee program, and other plans that together establish and plan for the infrastructure needs for the City and provide funds for capital improvements as projects are developed, but lacks funding to fulfill its objectives. Construction of the Development Project would result in the payment of one-time fees including estimated total development impact fees, including TUMF and MSHCP impact fees (before DIF transportation reduction described in the Development Agreement) to the City and region of approximately $71 million based on the current fee schedule in effect, which will be used to address City and regional infrastructure needs including development of road and utility infrastructure and for conservation (MSHCP) purposes. Additionally, construction of the Development Project would result in the payment of fees designated for the Banning Unified School District for discretionary use, which would provide a benefit to current and future residents of the City. Development of the MSJC Site, should it occur, would provide further development impact fees to support City infrastructure. The City General Plan has identified construction of the Sun Lakes Boulevard Extension as a key City goal to help reduce impacts to the intersections of Highland Springs Avenue at Interstate 10 (I-10) and West Ramsey Street and create an east/west link across the City of Banning, south of I-10, supporting regional transportation planning and assisting in maintaining peak hour levels of service to "D" or better on roadways and intersections. As a component of its DIF funding, the Development Project will contribute an accelerated payment of $5.1 million for design and construction of the Sun Lakes Boulevard extension.

In addition, through the Development Project's Development Agreement and Specific Plan requirements, the Development Project Applicant will be providing additional public benefits supporting the surrounding community, including:

- Increased real property taxes, sales taxes, transit occupancy taxes and other revenues to the City;
- Provision of public facilities, including the construction of the Sunset Avenue Improvements;
- Provision of $1,000,000 for a new fire ladder truck or other fire suppression equipment;
- Provision of $750,000 for City downtown beautification/small business assistance;
- Dedication of property to the City as a site for a possible future fire station, a water tank, electrical substation and a reverse osmosis facility; A public benefit fee of the lesser of $8 Million or $1.44 per square foot of entitled warehouse/logistics/industrial building square footage, that can be used by the City to support its infrastructure needs not required by the Development Project of which $1 million will be paid at issuance of initial grading permit;
- Construction of surrounding and internal roadways and improvements to circulation features in the existing surrounding community, enhancing connectivity within the City;
- Undergrounding of all existing utility lines along the perimeter of the Development Site;

- Contribution of up to $15 million for a possible future fire station or other uses as determined by the City in its sole discretion and $10 million for design and construction of BEU's planned substation;

- Dedication of land for a possible fire station, water reservoir and pump facility, for city's future use, if determined necessary by the city;

- Establishment of a job fair to benefit City residents, and a requirement that all leases include language requiring lessees to provide two weeks' advance notice to City residents when new lessees are hiring employees.

- Setting aside approximately 53 acres for Open Space Resource Land and approximately 5 acres for parks and recreational facilities and construction and maintenance of park facilities.

- Provision of both construction jobs and permanent jobs.

5. The Project will expand industrial options within the City and provide needed infrastructure, services, and jobs, in proximity to regional transportation in a manner that is consistent with regional plans and policies and City General Plan Elements.

The Sunset Crossroads Specific Plan Project will locate high-quality, large-scale high cube warehouse/distribution centers with convenient access to the local and regional transportation network, thereby minimizing truck traffic on the local (non-highway) roadway system and reducing vehicle miles traveled in the region to the extent feasible. The Development Site is located immediately adjacent to Interstate 10 (I-10), a regionally and nationally important east-west transportation facility that connects the City to the greater Los Angeles area, including the Ports of Los Angeles and Long Beach, and to other major metropolitan areas to the east. Regional connectivity is further provided by interchanges on I-10 connecting to State Routes (SR) 60, 62, 111, and 243 which provide access to Moreno Valley/Riverside, Yucca Valley/29 Palms, Palm Springs, and Idyllwild, respectively. (Draft EIR at p. 3-7) Regional access to the Development Site is provided via the I-10 Freeway at the Sunset Avenue, which is a full interchange located within 1/4 mile of the Development Site. The location of the Development Site thus facilitates implementation of SCAG's 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals by creating a major employment center in an RTP/SCS designated priority growth area designed to reduce VMT and improve the existing jobs to housing imbalance. The Development Site location also implements the RTC/SCS goal of supporting the vital goods movement industry by allowing trucks traveling to and from the Development Project to efficiently access the regional transportation network ((SR-60, I-15, and I-215) to facilitate the movement of goods throughout the region.

The location of the Development Site at Sunset Avenue and in close proximity to the Sunset Avenue / I-10 interchange, is consistent with existing City General Plan policies that indicate 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. (General Plan Land Use Element-Commercial and Industrial Goals and Policies, Policy 8). The location of the Development Site is unique in the City in terms of its size and location and provides an opportunity

for development proximate to major transportation corridors and existing and planned infrastructure in the City.

At the same time, the size of the Development Site allows for design standards and guidelines imposed by the Sunset Crossroads Specific Plan to create buffer areas from adjoining uses and allows a functional and balanced land use plan for the Development Site and the area that conforms to General Plan goals, policies and objectives. The proximity to I-10 by direct arterial and secondary highways, the shift of the Sunset Avenue alignment to the west away from existing residential uses and incorporation of other project design features including a truck route management plan that restricts tractor-trailer access to residential neighborhoods is consistent with City General Plan Land Use and Noise Elements policies that encourage industrial development while also seeking to restrict truck traffic on residential roads. As a result of its location, project design features and mitigation measures imposed by the EIR and Specific Plan and conformance with General Plan goals, policies and objectives, the Development Project does not result in significant localized significant air quality or health risk impacts, or in noise impacts other than with respect to roadway and utility construction and conforms with a range of City policies promoting a balance of land uses, including industrial, commercial and residential uses in the City.

6. **The Project will facilitate the City's goal of sustainable development by being energy and water efficient in conformance with the City's General Plan Policies and other State and Regional Plans.**

The Specific Plan requires the Development Project to be energy efficient in that it must be consistent with or exceed the criteria from the California Building Code, Title 24 standards which the City has adopted by ordinance. As a result, the Development Project Specific Plan imposes minimum requirements related to energy efficient structures, lighting and appliances; compliance with building code solar requirements; energy efficient heating and cooling, potable water systems, water efficient irrigation systems for drought tolerant landscaping that can be served by recycled water, installation of EV charging stations, and incorporation of transportation demand management features and bicycle access and parking.

7. **The Development Project will assist the City's municipally owned utility (BEU) in managing supply and demand for electric services to maintain and increase the existing renewables portfolio standard while minimizing costs to rate payers.**

Banning Electric Utility (BEU) is the City's municipal utility, and its service area includes the Project Site. SB 100 requires BEU's portfolio to be 100 percent renewable by 2045. BEU competes with other utilities which likewise are required to increase their renewable portfolios. According to the U.S. Census, the City's median income in 2022 was $54,083 and the poverty rate was 18.9%; therefore, it is important that electricity rates for residents remain affordable as the City's renewable portfolio grows to meet State requirements. To keep electricity costs down for residents, the City needs to enter into long-term renewable energy purchase contracts in as large an amount as possible to obtain favorable rates for renewable sources. However, due to State mandated solar requirements for rooftops, the City has an abundance of solar generation from newer residential developments during daylight hours depressing its electrical demand system

load and forcing BEU to "dump" excess electricity, including the electricity from its current solar power purchase agreement, into the California Independent System Operator (CAISO) wholesale markets, at low to no return due to the glut of solar on the grid during the daytime. Increases in large commercial and industrial development within the City, that purchase electricity from BEU, like the Development Project, facilitate and support the utility's long-term renewable energy contracts and promote efficiency in electrical generation and usage. The Development Project will directly and immediately support BEU's renewable power objectives. At buildout and with the implementation of the stated mitigation and PDFs, the Development Project electricity use would be 25,570,405 kilowatt-hours (kWh) (or 25.570 GWh) of electricity per year. As total electricity consumption in the BEU service area in 2022 was 151.5 GWh, the Development Project electric demand represents approximately 16.9 percent of existing electricity consumption within the BEU service area and 0.14 percent of current electrical demand in Riverside County. (DEIR at p. 4.19-27). The BEU has included the energy usage by this Development Project as well as two other large residential projects in its future planning, which has enabled it to enter into long-term contracts for the purchase of renewable sources of electricity as required by State law. (DEIR at p. 4.19-28). Construction of the Development Project allows the City to continue to maintain these power agreements while keeping costs for its users at reasonable rates.

In addition, the Development Project includes the right to develop a 65 megawatt-hours (MWh) Battery Energy Storage System (BESS) facility in an industrially zoned portion of the Development Site. The BESS would be a privately owned and operated 65-megawatt-hour (MWh) battery energy storage facility proposed to support storage of energy by the BEU to assist BEU in managing the supply of energy it receives. (DEIR at p. 4.9-11). As such, it would also facilitate BEU's goals of maximizing renewable sources of energy and minimizing costs to its customers by allowing BEU to store energy generated when there is a glut of solar production for use in hours when there is more demand.

8. The Development Project would conserve natural drainage features and open space to provide a balance between the built and natural environment.

The Sunset Crossroads Specific Plan creates approximately 12.6 acres of Open Space – Parks and 53.0 acres of Open Space – Resource. Consistent with City General Plan Biological Resources Element Policy 4 (encouraging preservation of drainage channels in natural open space to the greatest extent possible), the Development Project was designed to avoid most of the drainage features as well as providing a buffer area around the drainages. With implementation of the Project, permanent conservation of 7.92 of 8.99-acres of riparian/riverine lands on the Development Site and a surrounding buffer of 32.58-acres will be preserved, and a minimum of 3.21-acres of Project Site riparian habitat will be enhanced or restored (a 3:1 ratio) within the conservation area on-site. With these actions, a total of 40.5 acres of land will be designated in the General Plan as Open Space-Resources. These open space and conservation lands will be preserved and managed in perpetuity to protect environmental resources and provide enhanced recreational opportunities and scenic qualities in the City. Where new roads cross the riparian corridors, undercrossings allowing wildlife movement and continued downstream sediment transport are required. These undercrossings will assure the long-term conservation of the riparian/riverine resources which are being avoided and preserve their associated functions and

values for Project Site features and for downstream conservation areas associated with the sediment transport system. Any development on the MSJC Site would be required to meet regulatory mitigation requirements as well.

Although the Development Project would not include the development of residential units and would not add to the existing population nor generate new residential park demand, the Development Project provides a 12.6-acre Open Space – Parks area that would be publicly accessible, including a 5 acre passive park within the Development Site that could provide a variety of recreational amenities including a tot lot playground, picnic tables, trails, walking paths, surface parking lot, and restroom.

EXHIBIT 1
SUNSET CROSSROADS SPECIFIC PLAN FISCAL IMPACT ANALYSIS

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FISCAL IMPACT ANALYSIS
FOR
SUNSET CROSSROADS

(Fiscal Impact Analysis Tables Only)

September 2025

Prepared By:

DPFG
DEVELOPMENT PLANNING & FINANCING GROUP

Table 1
Sunset Crossroads
Fiscal Impact Analysis Summary

Fiscal Impact Annual Summary			
Annual Recurring Revenues:			
Property Tax	$	629,792	Table 5
Sales Tax		578,130	Table 6
Property Tax in-lieu of Vehicle License Fees		1,306,101	Table 7
Transient Occupancy Tax		533,813	Table 8
CFD Revenues		1,013,400	Table 9
Other Revenues		634,348	Table 10
Total Recurring Revenue	**$**	**4,695,584**	
Annual Recurring Expenditures:			
City Council	$	8,693	Table 11
City Manager		34,439	Table 11
Economic Development		11,031	Table 11
Personnel		14,070	Table 11
City Clerk		5,804	Table 11
City Attorney		19,868	Table 11
TV Government Access		5,874	Table 11
Fiscal Services		54,908	Table 11
Purchasing		19,242	Table 11
Police		653,000	Table 11
Dispatch		74,249	Table 11
Animal Control		19,641	Table 11
Animal Shelter		3,570	Table 11
Fire		213,440	Table 11
Building and Safety		115,422	Table 11
Code Enforcement		39,183	Table 11
Planning		99,196	Table 11
Engineering		106,066	Table 11
Building Maintenance		12,946	Table 11
Parks		70,588	Table 11
Recreation		34,052	Table 11
Aquatics		48,951	Table 11
Day Care		4,072	Table 11
Senior Center		6,983	Table 11
Public Information		19,813	Table 11
Grants Management		47,408	Table 11
Elections		212	Table 11
Community Enhancement		7,086	Table 11
Total Recurring Expenditures	**$**	**1,749,805**	
Net Annual Fiscal Surplus (Deficit)	**$**	**2,945,779**	

Table 2
Sunset Crossroads
Population and Employment Data

	City	Project
Population	31,213 (a)	-
Employees	10,600 (b)	3,951
Residents + 50% Employees	36,513 (c)	1,975 (c)

Footnotes:

(a) Per the E-5 City / County Population and Housing Estimates report published by the California Department of Finance dated 1/1/2025.

(b) Per State of California, Employment Development Department April 2025 estimate.

(c) The Per Capita-and-Employee Multiplier Method represents the total service population for the City and Project respectively, as each employee is counted as one-half of a resident to reflect their relative impact in generating City public service costs or City revenues. This multiplier method is a widely accepted standard of estimating per capita and employee impacts.

Table 3
Sunset Crossroads
Estimated Commercial Uses Property Value Using Income Method

		Industrial	Commercial
Gross Square Feet		5,067,000	223,753
Less: Non-leasable Space @ 10%	(a)	-	-
Leasable Square Feet		5,067,000	223,753
REVENUE			
Average Monthly NNN Rental Rate per s.f.	(b)	$ 1.18	$ 1.77
Total Scheduled Annual NNN Rents		$ 71,748,720	$ 4,752,514
EXPENSES			
Vacancy (%)	(b)	6.70%	6.50%
Vacancy ($)		$ 4,807,164	$ 308,913
Unreimbursed Expenses (vacant space)	(c)	13,388,311	1,644,132
Total Expenses		$ 18,195,475	$ 1,953,046
NET OPERATING INCOME		$ 53,553,245	$ 2,799,468
CAP RATE	(d)	5.00%	5.75%
TOTAL VALUE		**$ 1,071,064,892**	**$ 48,686,404**
VALUE PER GROSS SQUARE FOOT		**211.38**	**217.59**
VALUE PER GROSS SQUARE FOOT (ROUNDED)		**211.00**	**218.00**

		Hotel
No. of Rooms		125
Average Daily Rate		$ 150
Occupancy		65%
Annual Room Revenue		$ 4,448,438
Other Revenues (5% of Room Rev.)		222,422
Total Revenue		$ 4,670,859
Operating Expenses as % of Revenue		65%
Total Operating Expenses		3,036,059
Net Operating Income		$ 1,634,801
Cap Rate	(c)	6.75%
TOTAL VALUE		**$ 24,219,271**
VALUE PER ROOM		**193,754**
VALUE PER ROOM (ROUNDED)		**194,000**

Footnotes:

(a) Analysis estimates office site is comprised of approximately 10% common area.

(b) Commercial per CBRE MarketView Inland Empire Retail, Q4 2024 Report. Industrial per Cushman and Wakefield Inland Empire Industrial, Q1 2025 Report. Office per the CBRE Inland Empire Office, Q4 2024

(c) Operating Expenses for Warehouse and Office estimated at 20.0% of revenue based on California Department of Transportation. Assumes operating expenses at 37% of rental revenue; based on U.S. Super Community/Community Shopper Center operating cost data per Dollars & Cents of Shopping Center (2008)

(d) Commercial Retail cap rate per CBRE North America Cap Rate Survey Second Half 2025 for Stabilized Retail property in the Inland Empire. Industrial cap rate per CBRE North America Cap Rate Survey Second Half 2024 for Class A Stabilized Industrial property in the Inland Empire. Office cap rate per the CBRE North America Cap Rate Survey Second Half 2024 for Class A Stabilized Suburban Office property in Orange COunty. Hotel cap rate per CBRE North America Cap Rate Survey Seond Half 2025 for hotels in the Los Angeles Market, not in a city center or luxury destination.

Table 4
Sunset Crossroads
Land Use and Assessed Value Assumptions

Industrial			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Building 1	1,420,000	$ 211	$ 299,620,000
Building 2	1,386,000	211	292,446,000
Building 3	575,000	211	121,325,000
Building 4	44,000	211	9,284,000
Building 5	-	211	-
Building 6	-	211	-
Building 7	896,000	211	189,056,000
Building 8	250,000	211	52,750,000
Building 9	274,000	211	57,814,000
Building 10	222,000	211	46,842,000
Subtotal Industrial	**5,067,000**	**$ 211**	**$ 1,069,137,000**

Retail			
Probable Tenant Type	**Bldg. SF**	**Estimated Assessed Value per SF (a)**	**Total Assessed Value**
Restaurant	18,748	$ 218	$ 4,087,020
Retail	205,005	218	44,691,134
Subtotal Commercial Retail	**223,753**	**$ 218**	**$ 48,778,154**

Hotel 125 Keys			
Probable Tenant Type	**Number of Rooms**	**Estimated Assessed Value per Room (a)**	**Total Assessed Value**
Hotel	125	$ 194,000	$ 24,250,000
Subtotal Hotel	**125**	**$ 194,000**	**$ 24,250,000**

Total Project Assessed Value	$ 1,142,165,154

Footnotes:
(a) Commercial estimated value per square foot per Table 3.

Table 5
Sunset Crossroads
Post-ERAF Share of the Basic Tax Calculation

Within City of Banning - Agency	TRA (a) 001-006	TRA (a) 001-022	Wtd. Avg. of TRAs (b)
General Purpose	0.0000000%	0.0000000%	0.0000%
General	10.3949007%	10.3949007%	10.3949%
City of Banning	**9.1329641%**	**9.1329641%**	**9.1330%**
RDV Banning DW / Mid 03ANX AB 1290	0.0000000%	0.0000000%	0.0000%
Banning Unified School	38.0374080%	38.0374080%	38.0374%
Mt San Jacinto Jr College	3.8474370%	3.8474370%	3.8474%
Riverside Co Office of Education	3.9716040%	3.9716040%	3.9716%
Flood Control Admin	0.2279164%	0.2279164%	0.2279%
Flood Control Zone 5	4.7564996%	4.7564996%	4.7565%
CSA 152	0.0000000%	0.0000000%	0.0000%
Summit Cemetery District	1.8195520%	1.8195520%	1.8196%
San Gorgonio Pass Memorial Hospital	1.9601130%	1.9601130%	1.9601%
Banning Library District	4.3229931%	4.3229931%	4.3230%
San Gorgonio Pass Water Agency District	3.4427847%	3.4427847%	3.4428%
Inland Empire Jt (33,36) Res	0.0000000%	0.0000000%	0.0000%
ERAF Rdv	0.0000000%	0.0000000%	0.0000%
Eraf Fund	18.0858274%	18.0858274%	18.0858%
Total	100.000000%	100.000000%	100.0000%
Project Acres (c)	157	121	277.95
% of Total	56.48%	43.52%	100.00%
Total City General Fund			**9.1330%**
Total Assessed Value			**$ 419,490,154**
Base 1% Ad-Valorem Tax			**1.00%**
Base Commercial Ad-Valorem Revenue			**$ 4,194,902**
City of Banning Allocation			**$ 383,119**

Within Unincorporated County - Agency	TRA (a) 055-008
General Purpose	0.00000000%
General	**13.65333663%**
Co Structure Fire Protection	5.69552712%
Banning Unified School	38.03740800%
Mt San Jacinto Jr College	3.84743700%
Riverside Co OFC of Education	3.97160400%
Co Waste Resource Management District	0.00000000%
Riverside Co Regional Park and Open Space	0.33700907%
Flood Control Admin	0.22791635%
Flood Control Zone 5	4.75649962%
CSA 152	0.00000000%
Summit Cemetery District	1.81955201%
San Gorgonio Pass Memorial Hospital	1.96011300%
Banning Library District	4.32299313%
San Gorgonio Pass Water Agency	3.44278472%
Inland Empire JT (33, 36) Res	0.00000000%
ERAF Fund	17.92781935%
	100.0000%
	241
	100.00%
Total Unincorporated County General Fund	**13.6533%**
Total Assessed Value	**$ 722,675,000**
Base 1% Ad-Valorem Tax	**1.00%**
Commercial Ad-Valorem Revenue Before Annexation	**$ 7,226,750**
City of Banning Annexation Allocation	**25.00%**
City of Banning Base Ad-Valorem Revenue	**$ 1,806,688**
City of Banning Allocation from Annexed Parcels	**$ 246,673**
Total City of Banning Property Tax Allocation	**$ 629,792**

Footnotes:

Source: Fiscal Year 2024-25 Share of the Basic Tax per Riverside County Auditor-Controller's Office, Property Tax Division.

(a) Shares of the basic tax that are received by the City and County for each TRA are highlighted in bold print.

(b) The weighted average of TRAs was calculated by the distribution of acreage among the TRAs within the Project.

(c) TRA and acreage data per LandVision, 1/11/2023.

Table 6
Sunset Crossroads
On-Site Sales Tax Revenue

Probable Tenant Type (a)	Bldg. SF	Estimated Sales per SqFt (b)	Total Estimated Taxable Sales
Commercial			
Restaurant	18,748	350	$ 6,561,730
Retail	205,005	250	51,251,300
Total	**223,753**		**$ 57,813,030**
Annual Sales Tax to City		**1.00%**	**$ 578,130**

Footnotes:
(a) Estimated tenant types per 10/21/2020 - Sunset Crossroads - Concept Site Plan, Uses and Activities.

(b) Preliminary DPFG estimates based on industry knowledge and review of various data sources in addition to Dollars & Cents of Shopping Centers (2008) by Urban Land Institute.

Table 7
Sunset Crossroads
Property Taxes In Lieu of Vehicle License Fee ("VLF")

Annual City Property Taxes In Lieu of VLF			
FY 2025/26 In Lieu VLF Allocation to City	$	4,447,926	(a)
FY 2024/25 City Assessed Value		3,889,641,412	(b)
Total Project Assessed Value		1,142,165,154	(c)
AV Growth from Project		29.364%	
Annual City Property Taxes In Lieu of VLF	$	1,306,101	

Footnotes:
(a) Per City of Banning FY 2024-25 and 2025-26 two year budget.
(b) Per County of Riverside Assessor's Office 2024/2025 Assessment Roll.
(c) Per Table 3.

Table 8
Sunset Crossroads
Transient Occupancy Taxes

Proposed Hotel			
No. of Rooms		125	
Average Daily Rate (ADR)		$ 150	(a)
Occupancy Rate (%)		65.0%	(a)
Total Annual Room Revenues		4,448,438	
Annual County Transient Occupancy Tax	**12.00%** (b)	**$ 533,813**	

Footnotes:

(a) Estimate per DPFG ADR rate research regarding hotels located within Project area dated 1/26/2024.

(b) Transient occupancy tax rate per City of Banning Measure L. Measure L was then extended per Measure E which was passed by voters in 2014.

Table 9
Sunset Crossroads
Community Facilities District

Industrial			
Probable Tenant Type (a)	**Bldg. SF**	**Estimated CFD Cost per SqFt (b)**	**Total Annual CFD Revenue**
Building 1	1,420,000	$ 0.20	$ 284,000
Building 2	1,386,000	0.20	277,200
Building 3	575,000	0.20	115,000
Building 4	44,000	0.20	8,800
Building 5	-	0.20	-
Building 6	-	0.20	-
Building 7	896,000	0.20	179,200
Building 8	250,000	0.20	50,000
Building 9	274,000	0.20	54,800
Building 10	222,000	0.20	44,400
Subtotal Industrial	**5,067,000**	**$ 0.20**	**$ 1,013,400**

Footnotes:
(a) Per Table 4.
(b) Estimated CFD annual revenues based on preliminary Development Agreement terms.

Table 10
Sunset Crossroads
Other Recurring Revenues

Revenue Category	City FY 2025/2026 Budget (a)	Marginal Increase	Adjusted Budget	Multiplier	Factor	Project Equivalent Persons	Project Revenues
Property Taxes	$ 4,791,779	100%	$ 4,791,779	Case Study - Table 5	N/A	-	$ -
Property Taxes In-Lieu of VLF	4,447,926	100%	4,447,926	Case Study - Table 8	N/A	-	-
Sales and Use Tax	6,643,039	100%	6,643,039	Case Study - Table 9	N/A	-	-
Franchise Tax	525,000	100%	525,000	Per Capita & 50% Employee	14.38	1,975	28,401
Transient Occupancy Tax	1,250,000	100%	1,250,000	Case Study - Table 7	N/A	-	-
Other Taxes	720,000	100%	720,000	Per Capita & 50% Employee	19.72	1,975	38,950
Business License	215,000	100%	215,000	Per Capita & 50% Employee	5.89	1,975	11,631
Internal Service Revenues	2,590,159	0%	-	Per Capita & 50% Employee	0.00	1,975	-
Interfund Transfers	1,460,121	0%	-	Per Capita & 50% Employee	0.00	1,975	-
Licenses and Permits	7,017,429	100%	7,017,429	Per Capita & 50% Employee	192.19	1,975	379,624
Charges for Services	793,533	100%	793,533	Per Capita & 50% Employee	21.73	1,975	42,928
Miscellaneous Income	2,185,315	50%	1,092,658	Per Capita & 50% Employee	29.93	1,975	59,110
Sales and Service Charges	1,269,480	10%	126,948	Per Capita & 50% Employee	3.48	1,975	6,868
Fines and Forfeitures	261,830	100%	261,830	Per Capita & 50% Employee	7.17	1,975	14,164
Other Intergovernmental Revenues	848,668	100%	848,668	Per Capita & 50% Employee	23.24	1,975	45,911
State Motor Vehicle In-Lieu Fees	40,000	0%	-	Per Capita & 50% Employee	0.00	1,975	-
Use of Money and Property	307,600	0%	-	Per Capita & 50% Employee	0.00	1,975	-
Other Income	125,000	100%	125,000	Per Capita & 50% Employee	3.42	1,975	6,762
Contributions	280,400	0%	-	Per Capita & 50% Employee	0.00	1,975	-
Total	$ 35,772,279		$ 28,858,810				$ 634,348

Footnotes:
(a) Per City of Banning FY 24-25 and 25-26 Biennial Budget Report dated June 25, 2024 on the City of Banning OpenGov Budget webpage.

Table 11
Sunset Crossroads
Recurring Expenditures

Expenditure Category	City FY 2025/2026 Preliminary Operating Budget (a)	Marginal Increase	Adjusted Budget	Multiplier	Factor	Project Equivalent Persons	Project Cost
City Council	$ 321,376	50%	$ 160,688	Per Capita & 50% Employee	4.40	1,975	$ 8,693
City Manager	1,273,234	50%	636,617	Per Capita & 50% Employee	17.44	1,975	34,439
Economic Development	407,808	50%	203,904	Per Capita & 50% Employee	5.58	1,975	11,031
Personnel	520,162	50%	260,081	Per Capita & 50% Employee	7.12	1,975	14,070
City Clerk	214,563	50%	107,282	Per Capita & 50% Employee	2.94	1,975	5,804
City Attorney	734,531	50%	367,266	Per Capita & 50% Employee	10.06	1,975	19,868
TV Government Access	217,149	50%	108,575	Per Capita & 50% Employee	2.97	1,975	5,874
Subtotal - General Government	3,688,823		1,844,412				99,778
Fiscal Services	2,029,956	50%	1,014,978	Per Capita & 50% Employee	27.80	1,975	54,908
Purchasing	711,370	50%	355,685	Per Capita & 50% Employee	9.74	1,975	19,242
Subtotal - Finance	2,741,326		1,370,663				74,149
Police	12,070,856	100%	12,070,856	Per Capita & 50% Employee	330.59	1,975	653,000
Dispatch	1,372,511	100%	1,372,511	Per Capita & 50% Employee	37.59	1,975	74,249
Subtotal - Law Enforcement	13,443,367		13,443,367				727,249
Animal Control	363,060	100%	363,060	Per Capita & 50% Employee	9.94	1,975	19,641
Animal Shelter	66,000	100%	66,000	Per Capita & 50% Employee	1.81	1,975	3,570
Subtotal - Animal Control	429,060		429,060				23,211
Fire	3,945,491	100%	3,945,491	Per Capita & 50% Employee	108.06	1,975	213,440
Building and Safety	2,133,610	100%	2,133,610	Per Capita & 50% Employee	58.43	1,975	115,422
Subtotal - Fire and Life Safety	6,079,101		6,079,101				328,863
Code Enforcement	724,302	100%	724,302	Per Capita & 50% Employee	19.84	1,975	39,183
Planning	1,833,652	100%	1,833,652	Per Capita & 50% Employee	50.22	1,975	99,196
Engineering	1,960,662	100%	1,960,662	Per Capita & 50% Employee	53.70	1,975	106,066
Building Maintenance	239,301	100%	239,301	Per Capita & 50% Employee	6.55	1,975	12,946
Parks	1,304,828	100%	1,304,828	Per Capita & 50% Employee	35.74	1,975	70,588
Recreation	629,463	100%	629,463	Per Capita & 50% Employee	17.24	1,975	34,052
Subtotal - Development Services	6,692,208		6,692,208				362,030
Aquatics	904,872	100%	904,872	Per Capita & 50% Employee	24.78	1,975	48,951
Day Care	75,278	100%	75,278	Per Capita & 50% Employee	2.06	1,975	4,072
Senior Center	258,156	50%	129,078	Per Capita & 50% Employee	3.54	1,975	6,983
Public Information	244,166	150%	366,249	Per Capita & 50% Employee	10.03	1,975	19,813
Grants Management	350,539	250%	876,348	Per Capita & 50% Employee	24.00	1,975	47,408
Elections	3,923	100%	3,923	Per Capita & 50% Employee	0.11	1,975	212
Community Enhancement	130,979	100%	130,979	Per Capita & 50% Employee	3.59	1,975	7,086
Subtotal - Community Services	1,967,913		2,486,727				134,525
Total	$ 35,041,798		$ 32,345,537				$ 1,749,805

Footnotes:
(a) Per the City of Banning Citywide Preliminary Biennial Budget FY 2024-25 and FY 2025-26 on the City Council agenda dated May 28, 2024.

Table 12
Sunset Crossroads
Permanent Employment

Industrial			
Tenant Type (a)	**Bldg. SqFt / Acre (a)**	**Estimated SqFt per Employee (b)**	**Estimated Employees**
Building 1	1,420,000	1,500	947
Building 2	1,386,000	1,500	924
Building 3	575,000	1,500	383
Building 4	44,000	1,500	29
Building 5	-	1,500	-
Building 6	-	1,500	-
Building 7	896,000	1,500	597
Building 8	250,000	1,500	167
Building 9	274,000	1,500	183
Building 10	222,000	1,500	148
Subtotal Industrial	**5,067,000**	**1,500**	**3,378**

Retail			
Tenant Type (a)	**Bldg. SqFt / Acre**	**Estimated SqFt per Employee (b)**	**Estimated Employees**
Restaurant	18,748	500	37
Retail	205,005	500	410
Subtotal Commercial Retail	**223,753**	**500**	**448**

Hotel 125 keys			
Tenant Type (a)	**Number of Rooms (a)**	**Employees per Room (b)**	**Estimated Employees**
Hotel	125	1	125
Subtotal Hotel	**125**		**125**

Total Employees	**3,951**

Footnotes:

(a) Per Table 4.

(b) Estimated employees per square foot per the United States Green Building Council default occupancy count and review of various data sources. Estimated employees represent full time equivalent ("FTE") employees. Actual employee count, including part-time and seasonal employees, may result in a potentially higher total headcount value depending on tenant mix. Per Table 10 FTE employees are estimated to generate $321.15 in Other Revenues and per Table 11 FTE employees are estimated to generate $885.86 in Expenditures for a net change of $564.71 per FTE employee.

TECHNICAL MEMORANDUM

DATE: October 23, 2025
TO: David Newell, City of Banning
FROM: Charlene So, Urban Crossroads, Inc.
Haseeb Qureshi, Urban Crossroads, Inc.
Bill Maddux, Urban Crossroads, Inc.
Alex So, Urban Crossroads, Inc.
JOB NO: 13534-16

SUBJECT: SUNSET CROSSROADS PROJECT – SUPPLEMENTAL CEQA MEMORANDUM

Attached is the revised Supplemental CEQA Memorandum that addresses the peer review comments and adds some additional clarifying language.

TECHNICAL MEMORANDUM

DATE: October 23, 2025
TO: David Newell, City of Banning
FROM: Charlene So, Urban Crossroads, Inc.
Haseeb Qureshi, Urban Crossroads, Inc.
Bill Maddux, Urban Crossroads, Inc.
Alex So, Urban Crossroads, Inc.
JOB NO: 13534-15

SUBJECT: SUNSET CROSSROADS PROJECT – SUPPLEMENTAL CEQA MEMORANDUM

Urban Crossroads, Inc. is pleased to provide the following supplemental CEQA analysis for the Sunset Crossroads (Project). The Project Applicant, NP Banning Industrial, LLC, is proposing to develop a 533.8-acre property (Development Site) located partly within the City of Banning (City) and in part in the City's sphere of influence (SOI) in unincorporated Riverside County (County) which included the following mix of uses as evaluated in the Draft and Final Environmental Impact Reports (EIR)(SCH No. 2021020011) for the Sunset Crossroads project (("Original Project"):

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 197,500 square feet of General Light Industrial use
- 490,500 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 330,000 square feet of High-Cube Cold Storage Warehouse use
- 12,000 square feet of Retail use
- 40,700 square feet of Go-Kart Racing use
- 13,000 square feet of Rock Climbing use
- 12,500 square feet of Trampoline Park use
- 116,700 square feet of Health/Fitness Club
- 9,500 square feet of Quality Restaurant use
- 40,000 square feet of High Turnover Sit-Down Restaurant use
- 7,000 square feet of Fast-Food Restaurant with Drive-Through Window use
- 9,500 square feet of Medical-Dental Office use
- 125-room Hotel
- 7,500 square foot Truck Stop

A joint public informational meeting was held on May 28, 2025 before the City Council and Planning Commission. Thereafter, the City considered the comments and questions raised at the meeting, and recommended modifications to the Project Applicant. As a result, the Project Applicant has

made certain modifications and proposes the following modifications (as so modified, the "Modified Project"):

- Removal of 330,000 square feet of High-Cube Cold Storage Use (Buildings 5 & 6)
- Removal of 105,500 square feet of Warehousing use (Buildings 5 & 6)
- Removal of 42,500 square feet of General Light Industrial use (Buildings 5 & 6)
- Removal of 40,700 square feet of Go-Kart Racing use
- Removal of 13,000 square feet of Rock Climbing use
- Removal of 116,700 square feet of Health/Fitness Club use
- Removal of 9,500 square feet of Medical-Dental Office use
- Removal of 7,500 square feet of Truck Stop use
- Removal of 9,500 square foot Quality Restaurant use
- Reduce Retail use from 12,000 square feet to 5,005 square feet
- Reduce High Turnover Sit-down Restaurant use from 40,000 square feet to 10,595 square feet
- Reduce Fast-food Restaurant With Drive-Through Window use from 7,000 square feet to 645 square feet
- Addition of 200,000 square feet of Discount Club use
- Addition of 7,508 square feet of Fast-Food Without Drive-Through Window use.

The Specific Plan permits each of these uses and decreases in the square footage of the project. As compared to the Original Project, the Modified Project results in a reduction of 478,000 square feet of Industrial use along with a total reduction of 239,655 square feet of Commercial Retail uses, and replaces these Commercial Retail uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use resulting in a slight decrease in overall commercial square footage. All other Industrial and Retail uses remain unchanged. All mitigation measures and project design features also remain unchanged.

The purpose of this memorandum is to explain and document the modifications to the Original Project and provide supplemental technical support and analysis to reflect the proposed changes to the Original Project in order to comply with CEQA.

In order to evaluate the effect of the Modified Project as compared with the Original Project, the Modified Sunset Crossroads (SP No. 20-20000002) Trip Generation Assessment (see Attachment A to this Memorandum), a trip generation analysis, was prepared. Although CEQA does not require assessment of impacts from project trip generation, and vehicle trips no longer are considered an environmental impact due to SB 743, this information is used to calculate air quality and GHG emissions and noise impacts. The analysis shows that modifications to the Original Project result in a decrease in passenger vehicle and truck trips.

As a result, and as detailed below, implementation of the Modified Project reduces environmental impacts for each impact area in which significant and unavoidable impacts were identified (i.e., Air Quality, GHG, Noise and Transportation) and, with respect to certain air pollutants, reduces previously significant and unavoidable impacts to less than significant levels. Because the

modifications result in a decrease in environmental impacts, there is no significant new information [1] and the criteria set forth in Section 15088.5(a) of the State CEQA Guidelines requiring recirculation are not met. Therefore, the EIR does not need to be recirculated prior to certification. [2]

Air Quality and GHG[3]

The Air Quality & Greenhouse Gas Evaluation (see Attachment B to this Memorandum) quantified emissions reductions from the changes to the project which reduced the amount of industrial square footage and focused commercial use on Discount Clubs. These modifications to the proposed project result in a decrease in truck trips and truck miles traveled, and a decrease in passenger car trips. An updated CalEEMod emissions output was prepared which accounted for the decrease in truck and passenger vehicle trips, miles traveled, and decrease in passenger vehicle travel. The methodology utilized in FEIR Appendices C-5 and C-6 was used to calculate a weighted average of three types of trucks to be used in project operations and calculated truck trip lengths based on the WAIRE Implementation Guidelines thus addressing both the SCAQMD and CARB FEIR comments related to truck trip length. The updated CalEEMod emissions outputs and this methodology were used to update the Air Quality and GHG emissions analyses. All project design features and mitigation measures described in the FEIR remain the same.

The FEIR showed that for the Original Project, criteria pollutant emissions except for CO and SOx, exceeded the threshold of significance and were identified as significant and unavoidable impacts. Under the Modified Project, all criteria pollutant emissions (VOC, NOx, CO, SOx, $PM_{10,}$ and $PM_{2.5}$) are reduced as compared to the Original Project. With the Modified Project, CO, SOx and $PM_{2.5}$ are reduced to below the threshold of significance while the other pollutants still exceed the threshold of significance but with a net decrease compared to the 2024 FEIR. Therefore, the Modified Project continues to result in a significant and unavoidable impact .

For GHG emissions, the same methodology described above was used to calculate the GHG emissions for the Modified Project. The Modified Project would further reduce mitigated GHG emissions by 5,298.76 metric tons of CO_2 annually, from 44,174.26 metric tons per year to 38,875.50 metric tons per year. However, the Modified Project still would result in a total of approximately 38,875.50 MTCO2e per year and continue to result in a significant and unavoidable impact.

The Modified Project further reduces Air Quality and GHG impacts and does not result in a new significant environmental impact or substantial increase in severity of an environmental impact. Therefore, this does not represent significant new information as defined in Section 15088.5(a) of the State CEQA Guidelines. The project modifications do not change the findings in the Final EIR that there are no additional feasible mitigation measures available that would further reduce emissions

[1] Under CEQA Section 15088.5 (a), "Significant new information" requiring recirculation includes, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

[2] Under CEQA Section 158088.5(b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

[3] Construction emissions are discussed in Attachment B.

because the majority of the Project's emissions come from mobile sources which are regulated by the State and not the City of Banning.

In summary, the project modifications reduce the square footage of industrial and commercial buildings, lessen vehicle trips and miles traveled, and lessen Air Quality and GHG impacts without causing any new environmental impacts. Therefore, criteria for recirculation set forth in Section 15088.5(a) and (b) of the State CEQA Guidelines are not met.

ENERGY

Quantification of operational energy consumption of the Modified Project is not required in this Supplemental Memorandum. As analyzed in the EIR, energy impacts are less than significant. Changes in vehicle types discussed in Attachment A regarding Trip Generation and the decrease in overall building square footage will result in less energy usage. This reduction occurs because a smaller building footprint typically requires less electricity for lighting, heating, cooling, and other operational needs. Furthermore, the decrease in overall vehicle trips would also reduce transportation-related energy consumption. Accordingly, the energy impact of the Modified Project remains less than significant.

VMT

The Modified Sunset Crossroads Specific Plan (SP No. 200-20000002) Vehicle Miles Traveled (VMT) Comparative Analysis (see Attachment C to this Memorandum) performed VMT calculations for the Modified Project and compared them to the VMT analysis performed for the Draft EIR.[4] The calculations for the Modified Project were based on employment estimates derived from square footage for each type of use – retail, hotel, and industrial- measured against the threshold of significance, and compared to the 2023 VMT analysis which utilized the same methodology. All project design features and mitigation measures described in the FEIR remain the same for the Modified Project.

For retail VMT, the Modified Project showed a decrease over the 2023 VMT analysis; however, both were less than the threshold of significance. However, for non-retail VMT, while the Modified Project shows a slight decrease over the 2023 VMT analysis per employee and overall, both exceed the City's threshold of significance. Accordingly, overall, the Modified Project also exceeds the City's threshold of significance for VMT per employee, and the Modified Project continues to result in a significant and unavoidable impact.

The Modified Project does not result in a new significant environmental impact or substantial increase in severity of an environmental impact. Accordingly, the changes to the project do not represent significant new information as defined in Section 15088.5(a) of the State CEQA Guidelines. Therefore, criteria for recirculation set forth in Section 15088.5(a) and (b) of the State CEQA Guidelines are not met.

Noise[5]

[4] A revised VMT analysis was not prepared for the FEIR so the VMT analysis at Appendix J-1 as revised August 25, 2023 contains the relevant data for comparison.

[5] Construction and operational vibration impacts are discussed in Attachment D.

The Sunset Crossroads Noise Assessment for the Modified Project (see Attachment D to this Memorandum) assessed construction and on-site and off-site operational noise impacts of the Modified Project and compared them to the Original Project. All project design features and mitigation measures described in the FEIR remain the same for the Modified Project. See FEIR Appendix I-2 – Supplemental Noise Analysis.

The DEIR identified certain significant and unavoidable construction noise and operational on-site (stationary source) and off-site noise impacts. The FEIR added project design features that eliminated significant and unavoidable impacts identified in the DEIR from operational off-site traffic noise levels and on-site stationary noise levels generated from project operations. The FEIR identified stationary operations noise sources, as including truck delivery and truck loading/unloading activities; heating, ventilation, and air conditioning (HVAC), including cold storage, equipment; refrigeration equipment; drive-through speakerphones; parking activities; fueling activities; and outdoor eating activities. The FEIR Supplemental Noise Analysis concluded that with implementation of additional project design features and mitigation measures, operational noise levels generated from operation of the Development Project would be less than significant, including at residential noise receivers.

The FEIR evaluated on-site construction activities and off-site traffic noise from construction deliveries and workers accessing the Development Project site. The analysis included Mass Grading, Grading, Sitework-Utilities, Building Construction, Paving, and Architectural Coatings. The FEIR concluded that noise levels generated from on-site construction activity and off-site construction-related traffic would be less than significant, including at residential noise receivers. However, because it is yet to be determined if a noise barrier can be constructed on the City's right-of-way, construction noise impacts for the construction of the roadway and utilities on Sunset Boulevard would be considered significant and unavoidable.

The Modified Project significantly decreased the square footage of industrial buildings, slightly decreased the square footage of commercial buildings, decreased truck trips, and decreased passenger vehicle trips. As a result, the Modified Project shows a 7 percent (7%) decrease in vehicle trips and a 44% decrease in truck trips over the Original Project. This represents a decrease in the level of noise because trucks produce noise levels up to 10 times higher than ~~those of~~ passenger vehicles. Thus, overall, the Modified Project would generally result in a 2 dBA CNEL decrease over off-site traffic noise levels. Because off-site traffic noise levels were identified in the FEIR as less than significant after imposition of additional project design features and mitigation, and the Modified Project reduces the number of truck trips on the adjoining roadways, it would continue to result in a less than significant noise impact. Further, as stated in the FEIR Appendix I-2 Supplemental Noise Analysis, truck traffic is a component of stationary operations noise sources, so the decrease in truck traffic would also result in a slight decrease in those noise impacts~~,~~ which remain less than significant with the Modified Project.

The Modified Project would include similar on-site noise sources as the Development Project; however, there would be fewer loading docks and less on-site truck activity~~,~~ as well as less rooftop equipment associated with cold storage, which is anticipated to result in lower overall noise levels at surrounding receivers. Since the same project design features included in the FEIR would continue to be applicable to the Modified Project and the noise sources are similar, the Modified Project also would result in less than significant impacts.

The Modified Project would require a similar level of construction effort, including similar phases of construction, equipment requirements, number of workers, and deliveries. Thus, construction noise from the construction of the Modified Project is anticipated to be nearly identical to the Project and would therefore result in similar impacts as the Project. Therefore, the Modified Project would also result in significant and unavoidable impacts.

The Modified Project further reduces noise impacts and does not result in a new significant environmental impact or ~~a~~ substantial increase in ~~the~~ severity of an environmental impact. Therefore, this does not represent significant new information as defined in Section 15088.5(a) of the State CEQA Guidelines. The project modifications do not change the findings in the Final EIR and lessen noise impacts without causing any new environmental impacts. Therefore, ~~the~~ criteria for recirculation set forth in Section 15088.5(a) and (b) of the State CEQA Guidelines are not met.

CONCLUSION

Implementation of the Modified Project reduces environmental impacts for each impact area in which significant and unavoidable impacts were identified (i.e., Air Quality, GHG, Noise~~,~~ and Transportation) and, with respect to $PM_{2.5}$, reduces previously significant and unavoidable impacts to less than significant levels. Because the modifications result in a decrease in environmental impacts, there is no significant new information~~,~~ and the criteria set forth in Section 15088.5(a) of the State CEQA Guidelines requiring recirculation are not met. Therefore, the EIR does not need to be recirculated prior to certification.

If you have any questions, please contact us at: Charlene So at cso@urbanxroads.com, Haseeb Quresthi at hqureshi@urbanxroads.com, Bill Maddux at bmaddux@urbanxroads.com, or Alex So at aso@urbanxroads.com.

ATTACHMENT A:

TRIP GENERATION

TECHNICAL MEMORANDUM

DATE: September 3, 2025
TO: J.J. Jenkins, NP Banning Industrial, LLC
FROM: Charlene So, Urban Crossroads, Inc.
JOB NO: 13534-12 TG Memo

SUBJECT: MODIFIED SUNSET CROSSROADS (SP NO. 20-20000002) TRIP GENERATION ASSESSMENT

Urban Crossroads, Inc. has prepared the following Trip Generation Assessment for the Modified Sunset Crossroads (Modified Project), which is located south of the I-10 Freeway and west of Sunset Avenue in the City of Banning. This technical memorandum presents the updated trip generation based on the proposed change in land uses and provides a comparison of the analysis findings to those previously presented in the Sunset Crossroads Supplemental Traffic Assessment (dated August 31, 2023) attached as Appendix J-3 of the Sunset Crossroads Draft Environmental Impact Report (SCH No. 2021020011) dated December 2023 ("DEIR"); hereafter referred to as the "2023 Supplemental Traffic Assessment." Specifically, the purposes of this assessment it to determine whether the Modified Project's proposed land use changes would require any further traffic operations analysis based on the City's Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis (dated October 2021, referred to as City Guidelines).

PROJECT OVERVIEW

The DEIR and the 2023 Supplemental Traffic Assessment evaluated 5,545,000 square feet of Warehousing/Industrial/Light industrial use including 330,000 square feet of High-Cube Cold Storage Warehousing use and a commercial component that includes up to 268,400 square feet (including a 7,500 square foot Truck Stop with Fueling Stations), plus a 125-room Hotel with the following mix of uses:

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 197,500 square feet of General Light Industrial use
- 490,500 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 330,000 square feet of High-Cube Cold Storage Warehouse use
- 12,000 square feet of Retail use
- 40,700 square feet of Go-Kart Racing use
- 13,000 square feet of Rock Climbing use
- 12,500 square feet of Trampoline Park use
- 116,700 square feet of Health/Fitness Club
- 9,500 square feet of Quality Restaurant use
- 40,000 square feet of High Turnover Sit-Down Restaurant use

- 7,000 square feet of Fast-Food Restaurant with Drive-Through Window use
- 9,500 square feet of Medical-Dental Office use
- 125-room Hotel
- 7,500 square foot Truck Stop

The following trip generation assessment compares the Modified Project with the changes proposed as part of the Development Agreement to the Project analyzed in the DEIR and the 2023 Supplemental Traffic Assessment to ensure the environmental effects are less than those already disclosed in the DEIR. Specifically, the changes to the Modified Project are outlined as follows:

- Removal of 330,000 square feet of High-Cube Cold Storage Use (Buildings 5 & 6)
- Removal of 105,500 square feet of Warehousing use (Buildings 5 & 6)
- Removal of 42,500 square feet of General Light Industrial use (Buildings 5 & 6)
- Removal of 40,700 square feet of Go-Kart Racing use
- Removal of 13,000 square feet of Rock Climbing use
- Removal of 116,700 square feet of Health/Fitness Club use
- Removal of 9,500 square feet of Medical-Dental Office use
- Removal of 7,500 square feet of Truck Stop use
- Removal of 9,500 square foot Quality Restaurant use
- Reduce Retail use from 12,000 square feet to 5,005 square feet
- Reduce High Turnover Sit-down Restaurant use from 40,000 square feet to 10,595 square feet
- Reduce Fast-food Restaurant With Drive-Through Window use from 7,000 square feet to 645 square feet
- Addition of 200,000 square feet of Discount Club use
- Addition of 7,508 square feet of Fast-Food Without Drive-Through Window use

This results in a total reduction of 478,000 square feet of Industrial use along with a total reduction of 239,655 square feet of Commercial Retail uses and replacing these uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use. All other Industrial and Retail uses remain the same.

TRIP GENERATION

Trip generation represents the amount of traffic which is both attracted to and produced by a development. Determining traffic generation for a specific project is therefore based upon forecasting the amount of traffic that is expected to be both attracted to and produced by the specific land uses being proposed for a given development.

2023 SUPPLEMENTAL TRAFFIC ASSESSMENT

The DEIR identified and the 2023 Supplemental Traffic Assessment analyzed the following mix of uses for the Industrial component:

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 197,500 square feet of General Light Industrial use
- 490,500 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 330,000 square feet of High-Cube Cold Storage Warehouse use

These were analyzed in the 2023 Supplemental Traffic Assessment. The trip generation rates utilized in the 2023 Supplemental Traffic Assessment to analyze this use are provided in Appendix 1. Table 1 summarizes the Project's trip generation as evaluated in the 2023 Supplemental Traffic Assessment with 20,496 two-way trips per day, 1,264 AM peak hour trips, and 1,792 PM peak hour trips. Appendix 2 includes the detailed trip generation as evaluated in the 2023 Supplemental Traffic Assessment.

TABLE 1: 2023 SUPPLEMENTAL TRAFFIC ASSESSMENT TRIP GENERATION SUMMARY

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Phase 1 (No Changes)									
Buildings 1, 2, 3 & 4	3,425.000	TSF							
Passenger Cars:			295	85	380	140	375	515	6,120
Trucks:			52	16	68	20	51	71	1,306
Phase 1 Total Trips			**347**	**101**	**448**	**160**	**426**	**586**	**7,426**
Phase 2									
Commercial Retail Uses (plus hotel) (No Changes)	268.400	TSF							
Passenger Cars:			196	196	393	452	274	726	7,702
Trucks:			33	33	66	28	25	53	1,164
Commercial Retail Total Trips			229	229	459	480	299	779	8,866
Building 5: Warehousing (With Changes)[2]	105.500	TSF							
Passenger Cars:			10	1	11	4	11	15	118
Trucks:			1	0	1	1	1	2	50
Building 6: General Light Industrial (With Changes)[3]	42.500	TSF							
Passenger Cars:			22	1	23	2	21	23	172
Trucks:			0	0	0	0	0	0	20
New: High-Cube Cold Storage (With Changes)[4]	330.000	TSF							
Passenger Cars:			9	1	11	5	13	18	276
Trucks:			8	2	10	2	7	9	248
Phase 2 Total Trips			**280**	**234**	**515**	**495**	**352**	**847**	**9,750**
Phase 3 (With Changes)[5]									
Buildings 7 & 10	1,118.000	TSF							
Passenger Cars:			109	14	123	31	116	146	1,482
Trucks:			13	4	17	6	12	18	304
Phase 3 Total Trips			**122**	**18**	**140**	**37**	**128**	**164**	**1,786**
Phase 4 (No Changes)									
Buildings 8 & 9	524.000	TSF							
Passenger Cars:			100	44	144	116	72	187	1,296
Trucks:			10	6	16	2	6	8	238
Phase 4 Total Trips			**110**	**50**	**160**	**118**	**78**	**195**	**1,534**
Project Buildout (Updated)									
Project Total Passenger Cars			742	343	1,086	750	881	1,631	17,166
Project Total Trucks			117	61	178	59	102	161	3,330
Updated Project Total Trips			**859**	**404**	**1,264**	**809**	**983**	**1,792**	**20,496**

[1] TSF = Thousand Square Feet

[2] Warehousing use is reduced from 326,000 SF to 105,500 SF (a reduction of 220,500 SF). 111,000 SF of Warehousing use moved to Phase 3.

[3] General Light Industrial use is reduced from 152,000 SF to 42,500 SF (a reduction of 109,500 SF).

[4] 330,000 SF of High-Cube Cold Storage Warehouse use added. No net change in square footage for Phase 2 (220,500 SF + 109,000 SF = 330,000 SF).

[5] 111,000 SF of High-Cube Cold Storage Warehouse use moved from Phase 3 to Phase 2 and replaced with 111,000 SF of Warehousing use.

MODIFIED PROJECT

The Modified Project includes a total reduction of 478,000 square feet of Industrial use along with a total reduction of 239,655 square feet of Commercial Retail uses and replacing these uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use with the following summary of uses:

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 155,000 square feet of General Light Industrial use
- 385,000 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 200,000 square feet of Discount Club use
- 5,005 square feet of Retail use
- 10,595 square feet of High Turnover Sit-Down Restaurant use
- 7,508 square feet of Fast-Food Restaurant without Drive-Through Window use
- 645 square feet of Fast-Food Restaurant with Drive-Through Window use
- 125-room Hotel

The trip generation rates utilized for the Modified Project are also provided in Appendix 1. Table 2 summarizes the Modified Project's trip generation with 17,852 two-way trips per day, 1,187 AM peak hour trips, and 1,642 PM peak hour trips. Appendix 3 includes the detailed trip generation for the Modified Project.

The Modified Project introduces changes in land use mix and intensity; however, the distribution patterns of both passenger cars and trucks would remain consistent with those evaluated in the DEIR as the types of uses and the locations of those uses (commercial retail and industrial) are generally located within the same areas. Project-related traffic forecast adjustments are attributable to updated land use and intensities, and these modifications are expected to result in overall reductions in traffic volumes compared to the original DEIR analysis due to the overall reduction in total trip generation in conjunction with the same DEIR distribution patterns.

TABLE 2: MODIFIED PROJECT TRIP GENERATION SUMMARY

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Phase 1									
Buildings 1, 2, 3 & 4	3,425.000	TSF							
Passenger Cars:			295	85	380	140	375	515	6,120
Trucks:			52	16	68	20	51	71	1,306
Phase 1 Total Trips			**347**	**101**	**448**	**160**	**426**	**586**	**7,426**
Phase 2									
Commercial Retail Uses (plus hotel)	223.753	TSF							
Passenger Cars:			225	126	351	347	318	665	6,778
Trucks:			0	0	0	0	0	0	0
Commercial Retail Total Trips			225	126	351	347	318	665	6,778
Phase 2 Total Trips			**225**	**126**	**351**	**347**	**318**	**665**	**6,778**
Phase 3									
Buildings 7 & 10	1,118.000	TSF							
Passenger Cars:			123	26	149	35	127	162	1,704
Trucks:			13	4	17	6	12	18	304
Phase 3 Total Trips			**136**	**30**	**166**	**41**	**139**	**180**	**2,008**
Phase 4									
Buildings 8 & 9	524.000	TSF							
Passenger Cars:			114	92	206	120	83	203	1,402
Trucks:			10	6	16	2	6	8	238
Phase 4 Total Trips			**124**	**98**	**222**	**122**	**89**	**211**	**1,640**
Project Total Passenger Cars			757	329	1,086	642	903	1,545	16,004
Project Total Trucks			75	26	101	28	69	97	1,848
Modified Project Total Trips			**832**	**355**	**1,187**	**670**	**972**	**1,642**	**17,852**

[1] TSF = Thousand Square Feet

Table 3 summarizes the trip generation comparison between the DEIR and 2023 Supplemental Traffic Assessment to the Modified Project. As shown, the land uses evaluated for the Modified Project are anticipated to result in a net reduction of 2,644 two-way trips per day with a net reduction of 77 AM peak hour trips and 150 PM peak hour trips as compared to the uses and trips identified in the DEIR and 2023 Supplemental Traffic Assessment. As such, the deficiencies and recommended improvements identified in the DEIR would also be applicable to the uses evaluated for the Modified Project.

If you have any questions, please contact me directly at cso@urbanxroads.com.

TABLE 3: 2023 SUPPLEMENTAL TRAFFIC ASSESSMENT COMPARISON VS. MODIFIED PROJECT

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Project							
Passenger Cars	742	343	1,086	750	881	1,631	17,166
Trucks	117	61	178	59	102	161	3,330
Project Total	**859**	**404**	**1,264**	**809**	**983**	**1,792**	**20,496**
Modified Project							
Passenger Cars	757	329	1,086	642	903	1,545	16,004
Trucks	75	26	101	28	69	97	1,848
Modified Project Total	**832**	**355**	**1,187**	**670**	**972**	**1,642**	**17,852**
Net Change of Passenger Cars	14	-14	0	-108	22	-86	-1,162
Net Change of Trucks	-42	-35	-77	-31	-33	-64	-1,482
Total Project Net Change	**-28**	**-49**	**-77**	**-139**	**-11**	**-150**	**-2,644**

APPENDIX 1:

TRIP GENERATION RATES

TABLE 1-1: ITE TRIP GENERATION RATES

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
General Light Industrial[3]	TSF	110	0.616	0.084	0.700	0.082	0.548	0.630	4.960
Passenger Cars			0.598	0.081	0.679	0.080	0.537	0.617	4.563
2-Axle Trucks			0.003	0.000	0.004	0.000	0.002	0.002	0.066
3-Axle Trucks			0.004	0.001	0.004	0.000	0.002	0.003	0.082
4+-Axle Trucks			0.012	0.002	0.013	0.001	0.007	0.008	0.248
Warehousing[3]	TSF	150	0.131	0.039	0.170	0.051	0.139	0.190	1.740
Passenger Cars			0.114	0.034	0.148	0.044	0.118	0.162	1.270
2-Axle Trucks			0.003	0.001	0.004	0.001	0.003	0.005	0.078
3-Axle Trucks			0.004	0.001	0.005	0.002	0.004	0.006	0.097
4+-Axle Trucks			0.011	0.003	0.014	0.005	0.013	0.018	0.294
High-Cube Transload and Short-Term Storage Warehouse (Without Cold Storage)[3]	TSF	154	0.062	0.018	0.080	0.028	0.072	0.100	1.400
Passenger Cars			0.049	0.015	0.064	0.024	0.060	0.084	1.176
2-Axle Trucks			0.002	0.001	0.003	0.001	0.002	0.003	0.037
3-Axle Trucks			0.003	0.001	0.003	0.001	0.002	0.003	0.046
4+-Axle Trucks			0.008	0.002	0.010	0.003	0.007	0.010	0.140
High-Cube Fulfillment Center Warehouse[4]	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 Parcel Hub[3,5]	TSF	156	0.350	0.350	0.700	0.435	0.205	0.640	4.630
Passenger Cars			0.333	0.333	0.352	0.431	0.203	0.452	4.213
2-Axle Trucks			0.003	0.003	0.058	0.001	0.000	0.031	0.070
3-Axle Trucks			0.004	0.004	0.072	0.001	0.000	0.039	0.086
4+-Axle Trucks			0.011	0.011	0.218	0.003	0.001	0.117	0.261
High-Cube Cold Storage Warehouse (With Cold Storage)[3]	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

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Truck Stop	TSF	950	13.245	13.245	26.490	12.047	10.683	22.730	455.530
Passenger Cars			8.874	8.874	17.748	8.312	7.371	15.684	300.650
Total Trucks			4.371	4.371	8.742	3.735	3.312	7.046	154.880
2-Axle Trucks (4.9%)			0.214	0.214	0.428	0.183	0.162	0.345	7.589
3-Axle Trucks (16.2%)			0.708	0.708	1.416	0.605	0.537	1.142	25.091
4+-Axle Trucks (78.9%)			3.449	3.449	6.897	2.947	2.613	5.560	122.200
K-1 Kart Racing[7]	TSF	--	N/A	N/A	N/A	0.36	0.27	0.63	6.76
Rock Climbing[6]	TSF	434	0.46	0.94	1.40	0.93	0.71	1.64	16.40
Health/Fitness Club[6]	TSF	492	0.67	0.64	1.31	1.97	1.48	3.45	34.50
Trampoline Park[6]	TSF	436	N/A	N/A	N/A	0.72	0.78	1.50	15.00
Medical-Dental Office	TSF	720	2.17	0.61	2.78	0.97	2.49	3.46	34.80
Shopping Center[5]	TSF	820	0.82	0.51	1.33	2.23	2.41	4.64	49.55
Shopping Center[8]	TSF	820	0.82	0.51	1.33	2.23	2.41	4.64	49.55
Discount Club	TSF	857	0.40	0.16	0.56	2.12	2.12	4.24	41.80
Quality Restaurant	TSF	931	0.37	0.37	0.73	5.23	2.57	7.80	83.84
High Turnover Sit-Down Restaurant	TSF	932	5.47	4.47	9.94	6.06	3.71	9.77	112.18
Fast-food Without Drive-Thru	TSF	933	15.06	10.04	25.10	14.17	14.17	28.34	346.23
Fast-Food Restaurant with Drive-Thru Window	TSF	934	20.50	19.69	40.19	16.99	15.68	32.67	470.95
Hotel	RM	310	0.28	0.19	0.47	0.31	0.29	0.60	8.36

[1] Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Tenth Edition (2017).

[2] TSF = thousand square feet; RM = Rooms

[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.

Normalized % - With Cold Storage: 34.7% 2-Axle trucks, 11.0% 3-Axle trucks, 54.3% 4-Axle trucks.

[4] Vehicle Mix Source: High Cube Warehouse Trip Generation Study, WSP, January 29, 2019.

Inbound and outbound split source: ITE Trip Generation Manual, Tenth Edition (2017) for ITE Land Use Code 154.

[5] Rate based on the regression equation from the ITE Trip Generation Manual, Tenth Edition (2017), for 12,000 sf.

[6] No weekday daily value provided in ITE. Estimated based on 10 times the PM peak hour.

[7] Source: Trip Generation and Parking Rate Analysis for the proposed K-1 Speed Indoor Kart Track, Linscott Law & Greenspan Engineers, June 20, 2005.

[5] Rate based on the regression equation from the ITE Trip Generation Manual, Tenth Edition (2017), for 19,500 sf.

APPENDIX 2:

PROJECT TRIP GENERATION – 2023 SUPPLEMENTAL TRAFFIC ASSESSMENT

TABLE 2-1: 2023 SUPPLEMENTAL TRAFFIC ASSESSMENT PROJECT 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
Phase 1									
Building 1: High-Cube Fulfillment	1,420.000	TSF							
Passenger Cars:			113	34	147	57	147	204	2,486
Truck Trips:									
2-4-axle:			9	3	12	4	11	15	230
5+-axle:			12	4	16	4	10	14	308
Total Trucks:			21	7	28	8	21	29	538
Building 1 Total Trips[2]			**134**	**41**	**175**	**65**	**168**	**233**	**3,024**
Building 2: High-Cube Fulfillment	1,386.000	TSF							
Passenger Cars:			110	33	143	56	144	200	2,426
Truck Trips:									
2-4-axle:			9	3	12	4	11	15	226
5+-axle:			12	4	16	4	10	14	302
Total Trucks:			21	7	28	8	21	29	528
Building 2 Total Trips[2]			**131**	**40**	**171**	**64**	**165**	**229**	**2,954**
Building 3: High-Cube Fulfillment	575.000	TSF							
Passenger Cars:			46	14	60	23	60	83	1,006
Truck Trips:									
2-4-axle:			4	1	5	2	5	7	94
5+-axle:			5	1	6	2	4	6	126
Total Trucks:			9	2	11	4	9	13	220
Building 3 Total Trips[2]			**55**	**16**	**71**	**27**	**69**	**96**	**1,226**
Building 4: General Light Industrial	44.000	TSF							
Passenger Cars:			26	4	30	4	24	28	202
Truck Trips:									
2-axle:			0	0	0	0	0	0	4
3-axle:			0	0	0	0	0	0	4
4+-axle:			1	0	1	0	0	0	12
Total Trucks:			1	0	1	0	0	0	20
Building 4 Total Trips[2]			**27**	**4**	**31**	**4**	**24**	**28**	**222**
Phase 1 Total Passenger Cars			**295**	**85**	**380**	**140**	**375**	**515**	**6,120**
Phase 1 Total Trucks			**52**	**16**	**68**	**20**	**51**	**71**	**1,306**
Phase 1 Total Trips[2]			**347**	**101**	**448**	**160**	**426**	**586**	**7,426**
Phase 2									
Retail (Pad M)	12.000	TSF	10	6	16	27	29	56	596
Internal Capture[3]			*-4*	*-2*	*-6*	*-10*	*-7*	*-18*	*-192*
Pass-By (34% PM/Daily)[4]			*0*	*0*	*0*	*-6*	*-6*	*-11*	*-138*
Go-Kart Racing (Pad D-2)	40.700	TSF	0	0	0	15	11	26	276
Internal Capture[3]			*-2*	*-1*	*-3*	*-5*	*-3*	*-8*	*-90*
Rock Climbing (Pad C-3)	13.000	TSF	6	12	18	12	9	21	214
Internal Capture[3]			*-1*	*-1*	*-2*	*-4*	*-3*	*-6*	*-66*
Trampoline Park (L-3)	12.500	TSF	0	0	0	9	10	19	188
Internal Capture[3]			*0*	*0*	*0*	*-3*	*-2*	*-6*	*-58*
Health/Fitness Club (Pad C-1, C-2, D-1, D-3, D-4, D-5, D-6, D-7, E, L-1, L-2)	116.700	TSF	78	75	153	229	173	403	4,028
Internal Capture[3]			*-26*	*-15*	*-41*	*-70*	*-51*	*-121*	*-1,212*
Retail Total			**61**	**74**	**135**	**194**	**160**	**354**	**3,546**
Quality Restaurant (Pad K-1)	9.500	TSF	3	3	7	50	24	74	798
Internal Capture[3]			*-12*	*-8*	*-20*	*-21*	*-23*	*-44*	*-480*
Pass-By (44% PM/Daily)[4]			*0*	*0*	*0*	*0*	*0*	*-1*	*-140*
High Turnover Sit-Down Restaurant (Pad A, B, H, I, J)	40.000	TSF	15	15	29	209	103	312	3,354
Internal Capture[3]			*-30*	*-22*	*-52*	*-55*	*-62*	*-116*	*-1,254*
Pass-By (43% PM/Daily)[4]			*0*	*0*	*0*	*-18*	*-18*	*-36*	*-904*

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Fast-Food Restaurant with Drive-Thru (Pad N, O)	7.000	TSF	143	138	281	119	110	229	3,298
Internal Capture[3]			*-18*	*-13*	*-31*	*-33*	*-37*	*-70*	*-1,012*
Pass-By (49% AM; 50% PM/Daily)[4]			*-61*	*-61*	*-123*	*-36*	*-36*	*-73*	*-1,050*
Restaurant Total			**40**	**52**	**92**	**214**	**61**	**275**	**2,610**
Medical-Dental Office (Pad K-2, K-3, K-4, K-5)	9.500	TSF	21	6	26	9	24	33	332
Internal Capture[3]			*-11*	*-5*	*-15*	*-3*	*-9*	*-12*	*-118*
Office Total			**10**	**1**	**11**	**6**	**15**	**21**	**214**
Hotel (Pad F)	125	RM	35	24	59	38	37	75	1,046
Internal Capture[3]			*-1*	*-11*	*-12*	*-23*	*-25*	*-48*	*-670*
Hotel Total			**34**	**13**	**47**	**15**	**12**	**27**	**376**
Truck Stop (Pad G)	7.500	TSF							
Passenger Cars:			67	67	133	62	55	118	2,256
Internal Capture[3]			*-16*	*-9*	*-25*	*-39*	*-28*	*-68*	*-1,300*
Net Passenger Car Trips:			51	57	108	23	27	50	956
Truck Trips:									
2-axle:			2	2	4	1	1	2	58
3-axle:			5	5	10	5	4	9	188
4+-axle:			26	26	52	22	20	42	918
Total Trucks:			33	33	66	28	25	53	1,164
Truck Stop			**84**	**90**	**174**	**51**	**52**	**103**	**2,120**
Total Retail Passenger Cars			**196**	**196**	**393**	**452**	**274**	**726**	**7,702**
Total Retail Trucks			**33**	**33**	**66**	**28**	**25**	**53**	**1,164**
Total Retail Trips[2]			**229**	**229**	**459**	**480**	**299**	**779**	**8,866**
Building 5: Warehousing	105.500	TSF							
Passenger Cars:			12	4	16	5	12	17	134
Internal Capture[3]*:*			*-2*	*-3*	*-5*	*-1*	*-1*	*-2*	*-16*
Net Passenger Car Trips:			10	1	11	4	11	15	118
Truck Trips:									
2-axle:			0	0	0	0	0	0	8
3-axle:			0	0	0	0	0	0	10
4+-axle:			1	0	1	1	1	2	32
Total Trucks:			1	0	1	1	1	2	50
Building 5 Total Trips[2]			**11**	**1**	**12**	**5**	**12**	**17**	**168**
Building 6: General Light Industrial	42.500	TSF							
Passenger Cars:			25	3	28	3	23	26	194
Internal Capture[3]*:*			*-3*	*-2*	*-5*	*-1*	*-2*	*-3*	*-22*
Net Passenger Car Trips:			22	1	23	2	21	23	172
Truck Trips:									
2-axle:			0	0	0	0	0	0	4
3-axle:			0	0	0	0	0	0	4
4+-axle:			0	0	0	0	0	0	12
Total Trucks:			0	0	0	0	0	0	20
Building 6 Total Trips[2]			**22**	**1**	**23**	**2**	**21**	**23**	**192**
High-Cube Cold Storage	330.000	TSF							
Passenger Cars:			20	6	26	8	22	30	456
Internal Capture:			*-11*	*-5*	*-15*	*-3*	*-9*	*-12*	*-180*
Net Passenger Car Trips:			9	1	11	5	13	18	276
Truck Trips:									
2-axle:			3	1	4	1	2	3	86
3-axle:			1	0	1	0	1	1	28
4+-axle:			4	1	5	1	4	5	134
- Truck Trips			8	2	10	2	7	9	248
Cold Storage Total Trips[2]			**17**	**3**	**21**	**7**	**20**	**27**	**524**
Phase 2 Only Total Passenger Cars			**238**	**199**	**438**	**464**	**319**	**783**	**8,268**
Phase 2 Only Total Trucks			**42**	**35**	**77**	**31**	**33**	**64**	**1,482**
Phase 2 Only Total Trips[2]			**280**	**234**	**515**	**495**	**352**	**847**	**9,750**
Phase 1+2 Total Passenger Cars			**533**	**284**	**818**	**604**	**694**	**1,298**	**14,388**
Phase 1+2 Total Trucks			**94**	**51**	**145**	**51**	**84**	**135**	**2,788**
Phase 1+2 Total Trips[2]			**627**	**335**	**963**	**655**	**778**	**1,433**	**17,176**

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Phase 3									
Building 7: High-Cube Transload	896.000	TSF							
Passenger Cars:			44	13	57	21	54	75	1,054
Internal Capture[3]:			*-14*	*-12*	*-26*	*-4*	*-11*	*-16*	*-222*
Net Passenger Car Trips:			30	1	31	17	43	59	832
Truck Trips:									
2-axle:			2	1	3	1	2	3	34
3-axle:			2	1	3	1	2	3	42
4+-axle:			7	2	9	3	6	9	126
Total Trucks:			11	4	15	5	10	15	202
Building 7 Total Trips[2]			**41**	**5**	**46**	**22**	**53**	**74**	**1,034**
Building 10: General Light Industrial (50%)	111.000	TSF							
Passenger Cars:			66	9	75	9	60	69	508
Truck Trips:									
2-axle:			0	0	0	0	0	0	8
3-axle:			0	0	0	0	0	0	10
4+-axle:			1	0	1	0	1	1	28
Total Trucks:			1	0	1	0	1	1	46
Building 10: Warehousing (50%)	111.000	TSF							
Passenger Cars:			13	4	17	5	13	18	142
Truck Trips:									
2-axle:			0	0	0	0	0	0	10
3-axle:			0	0	0	0	0	0	12
4+-axle:			1	0	1	1	1	2	34
Total Trucks:			1	0	1	1	1	2	56
Building 10 Passenger Cars			**79**	**13**	**92**	**14**	**73**	**87**	**650**
Building 10 Trucks			**2**	**0**	**2**	**1**	**2**	**3**	**102**
Building 10 Total Trips[2]			**81**	**13**	**94**	**15**	**75**	**90**	**752**
Phase 3 Only Total Passenger Cars			**109**	**14**	**123**	**31**	**116**	**146**	**1,482**
Phase 3 Only Total Trucks			**13**	**4**	**17**	**6**	**12**	**18**	**304**
Phase 3 Only Total Trips[2]			**122**	**18**	**140**	**37**	**128**	**164**	**1,786**
Phase 1+2+3 Total Passenger Cars			**642**	**299**	**941**	**634**	**810**	**1,444**	**15,870**
Phase 1+2+3 Total Trucks			**107**	**55**	**162**	**57**	**96**	**153**	**3,092**
Phase 1+2+3 Total Trips[2]			**749**	**354**	**1,103**	**691**	**906**	**1,597**	**18,962**

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Phase 4									
Building 8: High-Cube Parcel Hub	250.000	TSF							
Passenger Cars:			83	83	166	108	51	159	1,054
Internal Capture[3]:			*-14*	*-48*	*-62*	*-4*	*-11*	*-16*	*-106*
Net Passenger Car Trips:			69	35	104	104	40	143	948
Truck Trips:									
2-axle:			1	1	2	0	0	0	18
3-axle:			1	1	2	0	0	0	22
4+-axle:			3	3	6	1	0	1	66
Total Trucks:			5	5	10	1	0	1	106
Building 8 Total Trips[2]			**74**	**40**	**114**	**105**	**40**	**144**	**1,054**
Building 9: Warehousing	274.000	TSF							
Passenger Cars:			31	9	40	12	32	44	348
Truck Trips:									
2-axle:			1	0	1	0	1	1	22
3-axle:			1	0	1	0	1	1	28
4+-axle:			3	1	4	1	4	5	82
Total Trucks:			5	1	6	1	6	7	132
Building 9 Total Trips[2]			**36**	**10**	**46**	**13**	**38**	**51**	**480**
Total Industrial Trips									
Phase 4 Only Passenger Cars			**100**	**44**	**144**	**116**	**72**	**187**	**1,296**
Phase 4 Only Trucks			**10**	**6**	**16**	**2**	**6**	**8**	**238**
Phase 4 Only Total Trips[2]			**110**	**50**	**160**	**118**	**78**	**195**	**1,534**
Project Buildout (Phase 1+2+3+4) Total Passenger Cars			**742**	**343**	**1,086**	**750**	**881**	**1,631**	**17,166**
Project Buildout (Phase 1+2+3+4) Total Trucks			**117**	**61**	**178**	**59**	**102**	**161**	**3,330**
Project Buildout (Phase 1+2+3+4) Total Trips[2]			**859**	**404**	**1,264**	**809**	**983**	**1,792**	**20,496**

[1] TSF = thousand square feet; RM = Rooms

[2] Total Trips = Passenger Cars + Truck Trips.

[3] Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool. Internal capture includes the office portion of the industrial buildings that are in close proximity to the retail/restaurant uses (Buildings 5, 6, 7, and 8).

[4] Source: ITE Trip Generation Handbook, 3rd Edition, 2017.

APPENDIX 3:

MODIFIED PROJECT TRIP GENERATION

TABLE 3-1: PROPOSED PROJECT TRIP GENERATION SUMMARY

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Phase 1									
Building 1: High-Cube Fulfillment	1,420.000	TSF							
Passenger Cars:			113	34	147	57	147	204	2,486
Truck Trips:									
2-4-axle:			9	3	12	4	11	15	230
5+-axle:			12	4	16	4	10	14	308
Total Trucks:			21	7	28	8	21	29	538
Building 1 Total Trips [2]			**134**	**41**	**175**	**65**	**168**	**233**	**3,024**
Building 2: High-Cube Fulfillment	1,386.000	TSF							
Passenger Cars:			110	33	143	56	144	200	2,426
Truck Trips:									
2-4-axle:			9	3	12	4	11	15	226
5+-axle:			12	4	16	4	10	14	302
Total Trucks:			21	7	28	8	21	29	528
Building 2 Total Trips [2]			**131**	**40**	**171**	**64**	**165**	**229**	**2,954**
Building 3: High-Cube Fulfillment	575.000	TSF							
Passenger Cars:			46	14	60	23	60	83	1,006
Truck Trips:									
2-4-axle:			4	1	5	2	5	7	94
5+-axle:			5	1	6	2	4	6	126
Total Trucks:			9	2	11	4	9	13	220
Building 3 Total Trips [2]			**55**	**16**	**71**	**27**	**69**	**96**	**1,226**
Building 4: General Light Industrial	44.000	TSF							
Passenger Cars:			26	4	30	4	24	28	202
Truck Trips:									
2-axle:			0	0	0	0	0	0	4
3-axle:			0	0	0	0	0	0	4
4+-axle:			1	0	1	0	0	0	12
Total Trucks:			1	0	1	0	0	0	20
Building 4 Total Trips [2]			**27**	**4**	**31**	**4**	**24**	**28**	**222**
Phase 1 Total Passenger Cars			**295**	**85**	**380**	**140**	**375**	**515**	**6,120**
Phase 1 Total Trucks			**52**	**16**	**68**	**20**	**51**	**71**	**1,306**
Phase 1 Total Trips [2]			**347**	**101**	**448**	**160**	**426**	**586**	**7,426**
Phase 2									
Retail (Pad M)	5.005	TSF	4	3	7	11	12	23	248
Internal Capture [3]			*0*	*0*	*0*	*-2*	*-2*	*-4*	*-40*
Pass-By (34% PM/Daily) [4]			*0*	*0*	*0*	*-3*	*-3*	*-6*	*-72*
Discount Club	200.000	TSF	80	32	112	424	424	848	8360
Internal Capture [3]			*-10*	*-5*	*-15*	*-63*	*-54*	*-117*	*-1,158*
Pass-By (34% PM/Daily) [4]			*0*	*0*	*0*	*-123*	*-123*	*-245*	*-2,450*
Retail Total			**74**	**30**	**104**	**244**	**254**	**499**	**4,888**
Fast-Food Without Drive-Through	7.508	TSF	113	75	188	106	106	212	2600
Internal Capture [3]			*-5*	*-5*	*-10*	*-40*	*-47*	*-87*	*-1,068*
Pass-By (43% PM/Daily) [4]			*0*	*0*	*0*	*-25*	*-25*	*-51*	*-660*
High Turnover Sit-Down Restaurant (Pad A, B, H, I, J)	10.595	TSF	4	4	8	55	27	83	890
Internal Capture [3]			*-2*	*-2*	*-4*	*-14*	*-17*	*-31*	*-332*
Pass-By (43% PM/Daily) [4]			*0*	*0*	*0*	*-5*	*-5*	*-10*	*-240*

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Fast-Food Restaurant with Drive-Thru (Pad N, O)	0.645	TSF	13	13	26	11	10	21	304
Internal Capture[3]			*-1*	*-1*	*-1*	*-5*	*-6*	*-10*	*-148*
Pass-By (49% AM; 50% PM/Daily)[4]			*-6*	*-6*	*-12*	*-2*	*-2*	*-5*	*-68*
Restaurant Total			**117**	**77**	**194**	**81**	**42**	**122**	**1,278**
Hotel (Pad F)	125	RM	35	24	59	38	37	75	1,046
Internal Capture[3]			*-1*	*-5*	*-6*	*-16*	*-15*	*-31*	*-434*
Hotel Total			**34**	**19**	**53**	**22**	**22**	**44**	**612**
Total Retail Passenger Cars			**225**	**126**	**351**	**347**	**318**	**665**	**6,778**
Total Retail Trucks			**0**	**0**	**0**	**0**	**0**	**0**	**0**
Total Retail Trips[2]			**225**	**126**	**351**	**347**	**318**	**665**	**6,778**
Phase 2 Only Total Passenger Cars			**225**	**126**	**351**	**347**	**318**	**665**	**6,778**
Phase 2 Only Total Trucks			**0**	**0**	**0**	**0**	**0**	**0**	**0**
Phase 2 Only Total Trips[2]			**225**	**126**	**351**	**347**	**318**	**665**	**6,778**
Phase 1+2 Total Passenger Cars			**520**	**211**	**731**	**487**	**693**	**1,180**	**12,898**
Phase 1+2 Total Trucks			**52**	**16**	**68**	**20**	**51**	**71**	**1,306**
Phase 1+2 Total Trips[2]			**572**	**227**	**799**	**507**	**744**	**1,251**	**14,204**
Phase 3									
Building 7: High-Cube Transload	896.000	TSF							
Passenger Cars:			44	13	57	21	54	75	1,054
Truck Trips:									
2-axle:			2	1	3	1	2	3	34
3-axle:			2	1	3	1	2	3	42
4+-axle:			7	2	9	3	6	9	126
Total Trucks:			11	4	15	5	10	15	202
Building 7 Total Trips[2]			**55**	**17**	**72**	**26**	**64**	**90**	**1,256**
Building 10: General Light Industrial (50%)	111.000	TSF							
Passenger Cars:			66	9	75	9	60	69	508
Truck Trips:									
2-axle:			0	0	0	0	0	0	8
3-axle:			0	0	0	0	0	0	10
4+-axle:			1	0	1	0	1	1	28
Total Trucks:			1	0	1	0	1	1	46
Building 10: Warehousing (50%)	111.000	TSF							
Passenger Cars:			13	4	17	5	13	18	142
Truck Trips:									
2-axle:			0	0	0	0	0	0	10
3-axle:			0	0	0	0	0	0	12
4+-axle:			1	0	1	1	1	2	34
Total Trucks:			1	0	1	1	1	2	56
Building 10 Passenger Cars			**79**	**13**	**92**	**14**	**73**	**87**	**650**
Building 10 Trucks			**2**	**0**	**2**	**1**	**2**	**3**	**102**
Building 10 Total Trips[2]			**81**	**13**	**94**	**15**	**75**	**90**	**752**
Phase 3 Only Total Passenger Cars			**123**	**26**	**149**	**35**	**127**	**162**	**1,704**
Phase 3 Only Total Trucks			**13**	**4**	**17**	**6**	**12**	**18**	**304**
Phase 3 Only Total Trips[2]			**136**	**30**	**166**	**41**	**139**	**180**	**2,008**
Phase 1+2+3 Total Passenger Cars			**643**	**237**	**880**	**522**	**820**	**1,342**	**14,602**
Phase 1+2+3 Total Trucks			**65**	**20**	**85**	**26**	**63**	**89**	**1,610**
Phase 1+2+3 Total Trips[2]			**708**	**257**	**965**	**548**	**883**	**1,431**	**16,212**

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Phase 4									
Building 8: High-Cube Parcel Hub	250.000	TSF							
Passenger Cars:			83	83	166	108	51	159	1,054
Truck Trips:									
2-axle:			1	1	2	0	0	0	18
3-axle:			1	1	2	0	0	0	22
4+-axle:			3	3	6	1	0	1	66
Total Trucks:			5	5	10	1	0	1	106
Building 8 Total Trips [2]			**88**	**88**	**176**	**109**	**51**	**160**	**1,160**
Building 9: Warehousing	274.000	TSF							
Passenger Cars:			31	9	40	12	32	44	348
Truck Trips:									
2-axle:			1	0	1	0	1	1	22
3-axle:			1	0	1	0	1	1	28
4+-axle:			3	1	4	1	4	5	82
Total Trucks:			5	1	6	1	6	7	132
Building 9 Passenger Cars			**31**	**9**	**40**	**12**	**32**	**44**	**348**
Building 9 Trucks			**5**	**1**	**6**	**1**	**6**	**7**	**132**
Building 9 Total Trips [2]			**36**	**10**	**46**	**13**	**38**	**51**	**480**
Total Industrial Trips									
Phase 4 Only Passenger Cars			**114**	**92**	**206**	**120**	**83**	**203**	**1,402**
Phase 4 Only Trucks			**10**	**6**	**16**	**2**	**6**	**8**	**238**
Phase 4 Only Total Trips [2]			**124**	**98**	**222**	**122**	**89**	**211**	**1,640**
Project Buildout (Phase 1+2+3+4) Total Passenger Cars			**757**	**329**	**1,086**	**642**	**903**	**1,545**	**16,004**
Project Buildout (Phase 1+2+3+4) Total Trucks			**75**	**26**	**101**	**28**	**69**	**97**	**1,848**
Project Buildout (Phase 1+2+3+4) Total Trips [2]			**832**	**355**	**1,187**	**670**	**972**	**1,642**	**17,852**

[1] TSF = thousand square feet; RM = Rooms

[2] Total Trips = Passenger Cars + Truck Trips.

[3] Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool. Internal capture includes the office portion of the industrial buildings that are in close proximity to the retail/restaurant uses (Buildings 5, 6, 7, and 8).

[4] Source: ITE Trip Generation Handbook , 3rd Edition, 2017.

ATTACHMENT B:

AIR QUALITY & GHG

TECHNICAL MEMORANDUM

DATE: October 10, 2025
TO: J.J. Jenkins, NP Banning Industrial, LLC
FROM: Haseeb Qureshi, Urban Crossroads, Inc.
JOB NO: 13534-~~14~~16 AQ & GHG Assesment

SUBJECT: MODIFIED SUNSET CROSSROADS (SP NO. 20-20000002) AIR QUALITY AND GREENHOUSE GAS ASSESSMENT

Urban Crossroads, Inc. has prepared the following Air Quality and Greenhouse Gas (GHG) Assessment for the Modified Sunset Crossroads Project (Modified Project), which is located south of the I-10 Freeway and west of Sunset Avenue in the City of Banning. This technical memorandum presents the updated AQ and GHG emissions based on the proposed change in land uses and provides a comparison of the analysis findings to those previously presented in the Sunset Crossroads Specific Plan Supplemental Air Quality Assessment (dated July 11, 2024) and the Sunset Crossroads Supplemental Greenhouse Gas (GHG) Emissions Assessment (dated June 28, 2024,)both of which are included in the Sunset Crossroads Final Environmental Impact Report (FEIR) (SCH No. 2021020011) dated July 2024, Appendix C-5 and Appendix C-6; hereafter referred to as the "2024 AQ Assessment" and "2024 GHG Assessment". Specifically, the purpose of this assessment is to determine whether the Modified Project's proposed land use changes would result in any new AQ or GHG impacts compared to what was previously disclosed in the FEIR.

PROJECT BACKGROUND

The Project, as evaluated in the FEIR included the following mix of uses:

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 197,500 square feet of General Light Industrial use
- 490,500 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 330,000 square feet of High-Cube Cold Storage Warehouse use
- 12,000 square feet of Retail use
- 40,700 square feet of Go-Kart Racing use
- 13,000 square feet of Rock Climbing use

- 12,500 square feet of Trampoline Park use
- 116,700 square feet of Health/Fitness Club
- 9,500 square feet of Quality Restaurant use
- 40,000 square feet of High Turnover Sit-Down Restaurant use
- 7,000 square feet of Fast-Food Restaurant with Drive-Through Window use
- 9,500 square feet of Medical-Dental Office use
- 125-room Hotel
- 7,500 square foot Truck Stop

The following assessment compares the Modified Project with the changes proposed as part of the Development Agreement to ensure the environmental effects are less than those already disclosed in either of the prior studies. Specifically, the changes to the latest Modified Project are outlined as follows:

- Removal of 330,000 square feet of High-Cube Cold Storage Use (Buildings 5 & 6)
- Removal of 105,500 square feet of Warehousing use (Buildings 5 & 6)
- Removal of 42,500 square feet of General Light Industrial use (Buildings 5 & 6)
- Removal of 40,700 square feet of Go-Kart Racing use
- Removal of 13,000 square feet of Rock Climbing use
- Removal of 116,700 square feet of Health/Fitness Club use
- Removal of 9,500 square feet of Medical-Dental Office use
- Removal of 7,500 square feet of Truck Stop use
- Removal of 9,500 square foot Quality Restaurant use
- Reduce Retail use from 12,000 square feet to 5,005 square feet
- Reduce High Turnover Sit-down Restaurant use from 40,000 square feet to 10,595 square feet
- Reduce Fast-food Restaurant With Drive-Through Window use from 7,000 square feet to 645 square feet
- Addition of 200,000 square feet of Discount Club use
- Addition of 7,508 square feet of Fast-Food Without Drive-Through Window use

This results in a total reduction of 478,000 square feet of Industrial use along with a total reduction of 239,655 square feet of Commercial Retail uses and replacing these uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use. These modifications to the Project result in a net reduction of 1,162 passenger car and 1,482 truck trips per day compared to the Project as evaluated in the FEIR, which results in a reduction of emissions. Additionally, the removal of the High-Cube Cold Storage Use further reduces emissions since that land use type specifically includes Transport Refrigeration Units (TRUs) on the trucks, which would no longer be required. All other Industrial and Retail uses remain the same.

2024 FEIR AIR QUALITY AND GHG ASSESSMENT

Table 1 below summarizes the mitigated operational emissions for the project identified in the 2024 FEIR (See Appendix C-5, Table 6, Completed Development Project).

TABLE 1: REGIONAL MITIGATED OPERATIONAL EMISSIONS – 2024 FEIR

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Completed Development	188	420	537	3	220	63
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	YES	YES	NO	NO	YES	YES

Table 2 below presents the mitigated operational GHG emissions identified in the 2024 FEIR (Appendix C-6, Table F, Total Operational Emissions).

TABLE 2: MITIGATED OPERATIONAL GHG EMISSIONS – 2024 FEIR

Emission Source	Emissions (MT/yr) Total CO_2e
Total Operational Emissions	44,174.26

MODIFIED PROJECT

As previously stated, the Modified Project includes a total reduction of 478,000 square feet of Industrial use along with a total reduction of 239,655 square feet of Commercial Retail uses and replacing these uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use with the following summary of uses:

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 155,000 square feet of General Light Industrial use
- 385,000 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 200,000 square feet of Discount Club use
- 5,005 square feet of Retail use
- 10,595 square feet of High Turnover Sit-Down Restaurant use
- 7,508 square feet of Fast-Food Restaurant without Drive-Through Window use
- 645 square feet of Fast-Food Restaurant with Drive-Through Window use
- 125-room Hotel

CONSTRUCTION

The modified project removes industrial uses from planning area 2 and it is uncertain at this time what uses will be proposed and therefore it would be speculative to analyze potential future impacts associated with construction of planning area 2. However, site preparation and grading would occur across the entire site under both the Original Project and the Modified Project, but no other construction activity would occur in planning area 2. As such, the Modified Project's construction impacts would not exceed what was disclosed in the EIR relative to site preparation and grading but would be less than what was disclosed for the vertical construction activities since no construction is proposed in planning area 2. Additionally, the anticipated reduction in overall daily emissions would correlate to a decrease in localized pollutant concentrations. Consequently, localized concentrations

of pollutants such as NO_X, CO, PM_{10}, and $PM_{2.5}$ are considered to be less than significant similar to and consistent with the EIR.

OPERATIONAL ACTIVITIES

Table 3 below presents the operational emissions generated by the Modified Project. Appendix 1 includes the CalEEMod emissions output for the Modified Project. Consistent with the FEIR, the truck trip lengths are based on the average truck trip length from the SCAQMD WAIRE Implementation Guide1, which identifies a trip length of 15.3 miles for 2-axle trucks, 14.2 miles for 3-axle trucks, and 39.9 miles for 4+ axle trucks. This results in a weighted average for the General Light Industrial Land use of 29.98 miles and 30.44 miles for the Warehousing, High-Cube Transload Warehouse, and High-Cube Parcel Hub Warehouse land use categories. As previously noted, the Modified Project result in a net reduction of 1,162 passenger car and 1,482 truck trips per day compared to the Project as evaluated in the FEIR, which consequently results in a reduction of emissions. Additionally, the removal of the High-Cube Cold Storage Use further reduces emissions since that land use type specifically includes Transport Refrigeration Units (TRUs) on the trucks, which would no longer be required.

TABLE 3: SUMMARY OF MITIGATED OPERATIONAL EMISSIONS – MODIFIED PROJECT

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Modified Project Operational Emissions	151	263	466	2	190	53
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	YES	YES	NO	NO	YES	NO

Table 4 below presents the operational GHG emissions generated by the Modified Project. Appendix 1 includes the CalEEMod emissions output for the Modified Project.

TABLE 4: SUMMARY OF MITIGATED OPERATIONAL EMISSIONS - MODIFIED PROJECT

Emission Source	Total CO_2e Emissions (MT/yr)
Modified Project Operational Emissions	38,875.50

COMPARISON OF 2024 FEIR AND MODIFIED PROJECT AQ EMISSIONS

Table 5 below presents a comparison of the 2024 FEIR and Modified Project AQ emissions. As shown below, the Modified Project would result in a net decrease in air quality emissions when compared to the 2024 FEIR.

[1] South Coast Air Quality Management District (SCAQMD). 2021. Rule 2305 Warehouse Indirect Source Rule. June. Website: www.aqmd.gov/docs/default-source/planning/fbmsm-docs/waire-implementation-guidelines.pdf (accessed April 2024). An attachment of the WAIRE Implementation Guidelines is appended to this assessment as Attachment "A".

TABLE 5: REGIONAL MITIGATED OPERATIONAL AQ EMISSIONS COMPARISON TO FEIR

Scenario	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
2024 FEIR Operational Emissions	188	420	537	3	220	63
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold?	YES	YES	YES	NO	YES	YES
Modified Project Operational Emissions	151	263	466	2	190	53
New Significant Impact?	NO	NO	NO	NO	NO	NO

COMPARISON OF 2024 FEIR AND MODIFIED PROJECT GHG EMISSIONS

Table 6 below presents a comparison of the 2024 FEIR and Modified Project GHG emissions. As shown below, the Modified Project would result in a net decrease in greenhouse gas emissions when compared to the 2024 FEIR.

TABLE 6: ANNUAL MITIGATED OPERATIONAL GHG EMISSIONS COMPARISON TO FEIR

Emission Source	Emissions (MT/yr) Total CO_2e
2024 FEIR Operational Emissions	44,174.26
Threshold	3,000
Exceed Threshold?	YES
Modified Project Operational Emissions	38,875.50
New Significant Impact?	NO

CONCLUSION

As summarized in Tables 5 and 6, the Modified Project's emissions would generate less air quality and GHG emissions when compared to the land uses as evaluated in the 2024 FEIR. As such, no new air quality or greenhouse gas impacts occur beyond what was disclosed previously in the FEIR.

If you have any questions, please contact me directly at hqureshi@urbanxroads.com.

APPENDIX 1:

MODIFIED PROJECT CALEEMOD OUTPUT

AQ EMISSIONS

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Summer						
Area Source[1]	113.61	2.78E-03	0.32	2.00E-05	8.30E-04	8.30E-04
Energy Source[2]	0.74	6.77	5.68	0.04	0.51	0.51
Light Duty Vehicle Source[3]	31.22	33.89	390.03	1.10	137.80	37.04
Heavy Duty Vehicle Source[4]	5.14	209.19	70.13	1.17	51.44	15.88
Warehouse Equipment[5]	0.00	0.00	0.00	0.00	0.00	0.00
Maximum Daily Emissions	150.72	249.84	466.16	2.31	189.76	53.43
Winter						
Area Source[6]	113.61	2.78E-03	0.32	2.00E-05	8.30E-04	8.30E-04
Energy Source[7]	0.74	6.77	5.68	0.04	0.51	0.51
Light Duty Vehicle Source[8]	26.64	35.89	337.69	1.00	137.80	37.04
Heavy Duty Vehicle Source[9]	4.86	219.87	68.78	1.17	51.44	15.88
Warehouse Equipment	0.00	0.00	0.00	0.00	0.00	0.00
Maximum Daily Emissions	145.85	262.53	412.47	2.21	189.76	53.44
Maximum Daily Emissions[10]						
Area Source	113.61	2.78E-03	0.32	2.00E-05	8.30E-04	8.30E-04
Energy Source	0.74	6.77	5.68	0.04	0.51	0.51
Light Duty Vehicle Source	31.22	35.89	390.03	1.10	137.80	37.04
Heavy Duty Vehicle Source	5.14	219.87	70.13	1.17	51.44	15.88
Warehoues Equipment	0.00	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	151	263	466	2	190	53

[1]Area source emissions can be found on page 9 of 20 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Summer" CalEEMod Output file

[2] Energy source emissions can be found on page 9 of 20 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Summer" CalEEMod Output file

[3] LD and HD vehicles were analyzed separately. Light duty vehicle source emissions can be found on page 9 of 20 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Summer" CalEEMod Output file

[4] LD and HD vehicles were analyzed separately. HD vehicle trip lengths were adjusted using a weighted average based on the distribution of 2-, 3-, and 4+ axle trucks, consistent with the traffic assessment for each industrial land use modeled in CalEEMod. Heavy duty vehicle source emissions can be found on page 7 of 18 of the "Sunset Crossroads Operations - All 4 Phases Combined- HD Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Summer" CalEEMod Output file

[5] Since the warehouse equipment is electric-powered, no direct emissions are expected

[6] Area source emissions can be found on page 9 of 20 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Winter" CalEEMod Output file

[7] Energy source emissions can be found on page 9 of 20 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Winter" CalEEMod Output file

[8] Light duty vehicle source emissions can be found on page 9 of 20 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Winter" CalEEMod Output file

[9] Heavy duty vehicle source emissions can be found on page 7 of 18 of the "Sunset Crossroads Operations - All 4 Phases Combined- Light Vehicles - incl. Project Design Features - San Bernardino - South Coast County, Winter" CalEEMod Output file

[10] Maximum daily emissions between Summer and Winter scenario identified

GHG EMISSIONS REDUCTIONS CALCULATION

Source	Unmitigated	Emissions with DEIR Mitigation	Additional Quantified Reductions[1]	Emissions with DEIR Mitigation and Additional Quantified Reductions
2024 GHG Assessment	62,357.47	44,580.17	-405.91	44,174.26
Modified Project	48,594.36	-	-9,718.87	38,875.49

[1] As shown in the 2024 GHG Assessment, implementation of the DEIR mitigation measures and additional quantified reductions would result in Project emissions of 44,174.26 MT/yr, a 29.16% reduction from the unmitigated scenario. A similar reduction is expected to occur for the Modified Project, as a conservative measure, a 20% reduction to the unmitigated values for the Modified Project has been applied.

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features

San Bernardino-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Heavy Industry	155.00	1000sqft	3.56	155,000.00	0
General Light Industry	10.00	1000sqft	0.23	10,000.00	0
Unrefrigerated Warehouse-No Rail	4,912.00	1000sqft	112.76	4,912,000.00	0
Fast Food Restaurant with Drive Thru	0.65	1000sqft	0.01	645.00	0
High Turnover (Sit Down Restaurant)	10.60	1000sqft	0.24	10,595.00	0
Hotel	125.00	Room	4.17	90,000.00	0
Regional Shopping Center	5.01	1000sqft	0.11	5,005.00	0
Discount Club	200.00	1000sqft	4.59	200,000.00	0
Fast Food Restaurant w/o Drive Thru	7.51	1000sqft	0.17	7,508.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2027
Utility Company	User Defined				
CO2 Intensity (lb/MWhr)	115.57	**CH4 Intensity (lb/MWhr)**	0.012	**N2O Intensity (lb/MWhr)**	0.001

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Utility Emission Factors for Banning Electric

Land Use - Total Project area = 505.5 acres, assume that all area not covered by buildings or included as open space is paved. BESS represented by General Light Industry.

Construction Phase - Operations-only analysis.

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Off-road Equipment -

Off-road Equipment - Operations-only analysis.

Trips and VMT - Operations-only analysis.

Grading - Operations-only analysis.

Architectural Coating - Operations-only analysis.

Vehicle Trips - Trip rates from traffic study adjusted to only include light vehicles for gas station, warehouse, and industrial land uses; pass-by and diverted accounted for. BESS represented by General Light Industry.

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products -

Area Coating - Assume all coatings comply with SCAQMD Rule 1113.

Landscape Equipment -

Energy Use -

Water And Wastewater -

Solid Waste -

Construction Off-road Equipment Mitigation -

Mobile Land Use Mitigation -

Mobile Commute Mitigation -

Area Mitigation -

Energy Mitigation - PF-Enhanced bldg and window insulation, LED lighting, improved efficiency HVAC, Energy Star commercial appliances

Water Mitigation - PF-low water plants, Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water), Graywater (purple pipe) irrigation system

Waste Mitigation - PF-enhanced recycling provisions

Operational Off-Road Equipment - Assume each of the 9 warehouses would have 4 forklifts and 4 tenders, PF specifies that all would be electric-powered.

Fleet Mix - Fleet mix from traffic study adjusted to only include light vehicles for gas station, warehouse, and industrial land uses.

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_EF_Nonresidential_Exterior	100	50
tblAreaCoating	Area_EF_Nonresidential_Interior	100	50

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblAreaMitigation	UseLowVOCPaintNonresidentialExteriorValue	50	100
tblAreaMitigation	UseLowVOCPaintNonresidentialInteriorValue	50	100
tblConstructionPhase	NumDays	120.00	0.00
tblConstructionPhase	PhaseEndDate	9/15/2023	4/2/2023
tblFleetMix	HHD	0.02	0.00
tblFleetMix	HHD	0.02	0.00
tblFleetMix	LDA	0.55	0.80
tblFleetMix	LDA	0.55	0.80
tblFleetMix	LDT1	0.06	0.10
tblFleetMix	LDT1	0.06	0.10
tblFleetMix	LDT2	0.17	0.10
tblFleetMix	LDT2	0.17	0.10
tblFleetMix	LHD1	0.02	0.00
tblFleetMix	LHD1	0.02	0.00
tblFleetMix	LHD2	6.8240e-003	0.00
tblFleetMix	LHD2	6.8240e-003	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.13	0.00
tblFleetMix	MDV	0.13	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblFleetMix	UBUS	2.4200e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblGrading	AcresOfGrading	0.00	180.00
tblLandUse	LandUseSquareFeet	181,500.00	90,000.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	36.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	36.00
tblProjectCharacteristics	CH4IntensityFactor	0	0.012
tblProjectCharacteristics	CO2IntensityFactor	0	115.57
tblProjectCharacteristics	N2OIntensityFactor	0	0.001
tblTripsAndVMT	VendorTripLength	6.90	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblVehicleTrips	DV_TP	40.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	20.00	0.00
tblVehicleTrips	DV_TP	38.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	PB_TP	15.00	0.00
tblVehicleTrips	PB_TP	50.00	0.00
tblVehicleTrips	PB_TP	12.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblVehicleTrips	PB_TP	43.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	11.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	45.00	100.00
tblVehicleTrips	PR_TP	29.00	100.00
tblVehicleTrips	PR_TP	51.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	PR_TP	37.00	100.00
tblVehicleTrips	PR_TP	58.00	100.00
tblVehicleTrips	PR_TP	54.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	ST_TR	53.75	23.76
tblVehicleTrips	ST_TR	616.12	136.43
tblVehicleTrips	ST_TR	696.00	116.14
tblVehicleTrips	ST_TR	6.42	4.58
tblVehicleTrips	ST_TR	1.99	0.00
tblVehicleTrips	ST_TR	122.40	30.01
tblVehicleTrips	ST_TR	8.19	4.90
tblVehicleTrips	ST_TR	46.12	27.17
tblVehicleTrips	ST_TR	1.74	1.73
tblVehicleTrips	SU_TR	33.67	23.76
tblVehicleTrips	SU_TR	472.58	136.43
tblVehicleTrips	SU_TR	500.00	116.14
tblVehicleTrips	SU_TR	5.09	4.58
tblVehicleTrips	SU_TR	5.00	0.00
tblVehicleTrips	SU_TR	142.64	30.01
tblVehicleTrips	SU_TR	5.95	4.90

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblVehicleTrips	SU_TR	21.10	27.17
tblVehicleTrips	SU_TR	1.74	1.73
tblVehicleTrips	WD_TR	41.80	23.76
tblVehicleTrips	WD_TR	470.95	136.43
tblVehicleTrips	WD_TR	346.23	116.14
tblVehicleTrips	WD_TR	3.93	4.58
tblVehicleTrips	WD_TR	4.96	0.00
tblVehicleTrips	WD_TR	112.18	30.01
tblVehicleTrips	WD_TR	8.36	4.90
tblVehicleTrips	WD_TR	37.75	27.17
tblVehicleTrips	WD_TR	1.74	1.73

2.0 Emissions Summary

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
2023	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**						

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					
2023	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**						

	ROG	NOx	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	113.6333	5.0100e-003	0.5525	4.0000e-005		1.9600e-003	1.9600e-003		1.9600e-003	1.9600e-003						
Energy	0.7718	7.0163	5.8937	0.0421		0.5332	0.5332		0.5332	0.5332						
Mobile	31.2151	33.8830	389.9758	1.0965	137.1237	0.6580	137.7817	36.4269	0.6106	37.0375						
Offroad	5.6125	80.8075	412.7549	0.1473		2.9117	2.9117		2.7323	2.7323						
Total	**151.2327**	**121.7118**	**809.1769**	**1.2859**	**137.1237**	**4.1049**	**141.2286**	**36.4269**	**3.8781**	**40.3050**						

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	113.6040	2.7800e-003	0.3204	2.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004						
Energy	0.7438	6.7615	5.6796	0.0406		0.5139	0.5139		0.5139	0.5139						
Mobile	31.2151	33.8830	389.9758	1.0965	137.1237	0.6580	137.7817	36.4269	0.6106	37.0375						
Offroad	5.6125	80.8075	412.7549	0.1473		2.9117	2.9117		2.7323	2.7323						
Total	**151.1753**	**121.4547**	**808.7307**	**1.2843**	**137.1237**	**4.0844**	**141.2081**	**36.4269**	**3.8576**	**40.2845**						

	ROG	NOx	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	**0.04**	**0.21**	**0.06**	**0.12**	**0.00**	**0.50**	**0.01**	**0.00**	**0.53**	**0.05**	**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	No Construction Analysis	Site Preparation	4/3/2023	4/2/2023	5	0	

Acres of Grading (Site Preparation Phase): 180

Acres of Grading (Grading Phase): 0

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Acres of Paving: 0

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
No Construction Analysis	Rubber Tired Dozers	0	8.00	247	0.40
No Construction Analysis	Tractors/Loaders/Backhoes	0	8.00	97	0.37

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
No Construction Analysis	0	0.00	0.00	0.00	0.00	0.00	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 No Construction Analysis - 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	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	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	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 No Construction Analysis - 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	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					
Fugitive Dust	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	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	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 No Construction Analysis - 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	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

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	31.2151	33.8830	389.9758	1.0965	137.1237	0.6580	137.7817	36.4269	0.6106	37.0375						
Unmitigated	31.2151	33.8830	389.9758	1.0965	137.1237	0.6580	137.7817	36.4269	0.6106	37.0375						

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Discount Club	4,752.00	4,752.00	4752.00	16,405,432	16,405,432
Fast Food Restaurant with Drive Thru	88.00	88.00	88.00	265,718	265,718
Fast Food Restaurant w/o Drive Thru	872.00	872.00	872.00	2,614,808	2,614,808
General Heavy Industry	709.99	709.99	709.99	3,370,800	3,370,800
General Light Industry	0.00	0.00	0.00		
High Turnover (Sit Down Restaurant)	318.00	318.00	318.00	1,020,008	1,020,008
Hotel	612.00	612.00	612.00	2,162,142	2,162,142
Regional Shopping Center	136.00	136.00	136.00	467,892	467,892
Unrefrigerated Warehouse-No Rail	8,515.93	8,515.93	8515.93	39,128,777	39,128,777
Total	16,003.93	16,003.93	16,003.93	65,435,576	65,435,576

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
Discount Club	16.60	8.40	6.90	16.70	64.30	19.00	100	0	0
Fast Food Restaurant with Drive	16.60	8.40	6.90	2.20	78.80	19.00	100	0	0
Fast Food Restaurant w/o Drive	16.60	8.40	6.90	1.50	79.50	19.00	100	0	0

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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
General Heavy Industry	16.60	8.40	6.90	59.00	28.00	13.00	100	0	0
General Light Industry	16.60	8.40	6.90	59.00	28.00	13.00	100	0	0
High Turnover (Sit Down	16.60	8.40	6.90	8.50	72.50	19.00	100	0	0
Hotel	16.60	8.40	6.90	19.40	61.60	19.00	100	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	100	0	0
Unrefrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	100	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Discount Club	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Fast Food Restaurant with Drive Thru	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Fast Food Restaurant w/o Drive Thru	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
General Heavy Industry	0.800000	0.100000	0.100000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
General Light Industry	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
High Turnover (Sit Down Restaurant)	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Hotel	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Regional Shopping Center	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Unrefrigerated Warehouse-No Rail	0.800000	0.100000	0.100000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

Install High Efficiency Lighting

Install Energy Efficient Appliances

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	0.7438	6.7615	5.6796	0.0406		0.5139	0.5139		0.5139	0.5139						
NaturalGas Unmitigated	0.7718	7.0163	5.8937	0.0421		0.5332	0.5332		0.5332	0.5332						

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Discount Club	1205.48	0.0130	0.1182	0.0993	7.1000e-004		8.9800e-003	8.9800e-003		8.9800e-003	8.9800e-003						
Fast Food Restaurant w/o Drive Thru	5608.58	0.0605	0.5499	0.4619	3.3000e-003		0.0418	0.0418		0.0418	0.0418						
Fast Food Restaurant with Drive Thru	481.824	5.2000e-003	0.0472	0.0397	2.8000e-004		3.5900e-003	3.5900e-003		3.5900e-003	3.5900e-003						
General Heavy Industry	13729.2	0.1481	1.3460	1.1306	8.0800e-003		0.1023	0.1023		0.1023	0.1023						
General Light Industry	885.753	9.5500e-003	0.0868	0.0729	5.2000e-004		6.6000e-003	6.6000e-003		6.6000e-003	6.6000e-003						
High Turnover (Sit Down Restaurant)	7914.61	0.0854	0.7759	0.6518	4.6600e-003		0.0590	0.0590		0.0590	0.0590						
Hotel	14661.4	0.1581	1.4374	1.2074	8.6200e-003		0.1092	0.1092		0.1092	0.1092						
Regional Shopping Center	30.1671	3.3000e-004	2.9600e-003	2.4800e-003	2.0000e-005		2.2000e-004	2.2000e-004		2.2000e-004	2.2000e-004						
Unrefrigerated Warehouse-No Rail	27049.6	0.2917	2.6519	2.2276	0.0159		0.2016	0.2016		0.2016	0.2016						
Total		**0.7718**	**7.0163**	**5.8937**	**0.0421**		**0.5332**	**0.5332**		**0.5332**	**0.5332**						

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Discount Club	1.15342	0.0124	0.1131	0.0950	6.8000e-004		8.5900e-003	8.5900e-003		8.5900e-003	8.5900e-003						
Fast Food Restaurant w/o Drive Thru	5.5295	0.0596	0.5421	0.4554	3.2500e-003		0.0412	0.0412		0.0412	0.0412						
Fast Food Restaurant with Drive Thru	0.47503	5.1200e-003	0.0466	0.0391	2.8000e-004		3.5400e-003	3.5400e-003		3.5400e-003	3.5400e-003						
General Heavy Industry	13.4064	0.1446	1.3144	1.1041	7.8900e-003		0.0999	0.0999		0.0999	0.0999						
General Light Industry	0.864932	9.3300e-003	0.0848	0.0712	5.1000e-004		6.4400e-003	6.4400e-003		6.4400e-003	6.4400e-003						
High Turnover (Sit Down Restaurant)	7.80301	0.0842	0.7650	0.6426	4.5900e-003		0.0581	0.0581		0.0581	0.0581						
Hotel	13.9882	0.1509	1.3714	1.1520	8.2300e-003		0.1042	0.1042		0.1042	0.1042						
Regional Shopping Center	0.0288645	3.1000e-004	2.8300e-003	2.3800e-003	2.0000e-005		2.2000e-004	2.2000e-004		2.2000e-004	2.2000e-004						
Unrefrigerated Warehouse-No Rail	25.7173	0.2773	2.5213	2.1179	0.0151		0.1916	0.1916		0.1916	0.1916						
Total		**0.7438**	**6.7615**	**5.6796**	**0.0406**		**0.5139**	**0.5139**		**0.5139**	**0.5139**						

6.0 Area Detail

6.1 Mitigation Measures Area

Use Electric Lawnmower

Use Electric Leafblower

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Use Electric Chainsaw

	ROG	NOx	CO	SO2	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	113.6040	2.7800e-003	0.3204	2.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004						
Unmitigated	113.6333	5.0100e-003	0.5525	4.0000e-005		1.9600e-003	1.9600e-003		1.9600e-003	1.9600e-003						

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	6.8455					0.0000	0.0000		0.0000	0.0000						
Consumer Products	106.7369					0.0000	0.0000		0.0000	0.0000						
Landscaping	0.0509	5.0100e-003	0.5525	4.0000e-005		1.9600e-003	1.9600e-003		1.9600e-003	1.9600e-003						
Total	**113.6333**	**5.0100e-003**	**0.5525**	**4.0000e-005**		**1.9600e-003**	**1.9600e-003**		**1.9600e-003**	**1.9600e-003**						

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	6.8455					0.0000	0.0000		0.0000	0.0000						
Consumer Products	106.7369					0.0000	0.0000		0.0000	0.0000						
Landscaping	0.0216	2.7800e-003	0.3204	2.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004						
Total	**113.6040**	**2.7800e-003**	**0.3204**	**2.0000e-005**		**8.3000e-004**	**8.3000e-004**		**8.3000e-004**	**8.3000e-004**						

7.0 Water Detail

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Forklifts	36	8.00	260	89	0.20	CNG

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Other General Industrial Equipment	36	8.00	260	88	0.34	CNG

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					
Forklifts	0.7215	34.4755	344.1364	0.0550		0.6691	0.6691		0.6691	0.6691						
Other General Industrial Equipment	4.8910	46.3320	68.6185	0.0922		2.2427	2.2427		2.0632	2.0632						
Total	**5.6125**	**80.8075**	**412.7549**	**0.1473**		**2.9117**	**2.9117**		**2.7323**	**2.7323**						

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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features

San Bernardino-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Heavy Industry	155.00	1000sqft	3.56	155,000.00	0
General Light Industry	10.00	1000sqft	0.23	10,000.00	0
Unrefrigerated Warehouse-No Rail	4,912.00	1000sqft	112.76	4,912,000.00	0
Fast Food Restaurant with Drive Thru	0.65	1000sqft	0.01	645.00	0
High Turnover (Sit Down Restaurant)	10.60	1000sqft	0.24	10,595.00	0
Hotel	125.00	Room	4.17	90,000.00	0
Regional Shopping Center	5.01	1000sqft	0.11	5,005.00	0
Discount Club	200.00	1000sqft	4.59	200,000.00	0
Fast Food Restaurant w/o Drive Thru	7.51	1000sqft	0.17	7,508.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2027
Utility Company	User Defined				
CO2 Intensity (lb/MWhr)	115.57	**CH4 Intensity (lb/MWhr)**	0.012	**N2O Intensity (lb/MWhr)**	0.001

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Utility Emission Factors for Banning Electric

Land Use - Total Project area = 505.5 acres, assume that all area not covered by buildings or included as open space is paved. BESS represented by General Light Industry.

Construction Phase - Operations-only analysis.

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Off-road Equipment -

Off-road Equipment - Operations-only analysis.

Trips and VMT - Operations-only analysis.

Grading - Operations-only analysis.

Architectural Coating - Operations-only analysis.

Vehicle Trips - Trip rates from traffic study adjusted to only include light vehicles for gas station, warehouse, and industrial land uses; pass-by and diverted accounted for. BESS represented by General Light Industry.

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products -

Area Coating - Assume all coatings comply with SCAQMD Rule 1113.

Landscape Equipment -

Energy Use -

Water And Wastewater -

Solid Waste -

Construction Off-road Equipment Mitigation -

Mobile Land Use Mitigation -

Mobile Commute Mitigation -

Area Mitigation -

Energy Mitigation - PF-Enhanced bldg and window insulation, LED lighting, improved efficiency HVAC, Energy Star commercial appliances

Water Mitigation - PF-low water plants, Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water), Graywater (purple pipe) irrigation system

Waste Mitigation - PF-enhanced recycling provisions

Operational Off-Road Equipment - Assume each of the 9 warehouses would have 4 forklifts and 4 tenders, PF specifies that all would be electric-powered.

Fleet Mix - Fleet mix from traffic study adjusted to only include light vehicles for gas station, warehouse, and industrial land uses.

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_EF_Nonresidential_Exterior	100	50
tblAreaCoating	Area_EF_Nonresidential_Interior	100	50

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblAreaMitigation	UseLowVOCPaintNonresidentialExteriorValue	50	100
tblAreaMitigation	UseLowVOCPaintNonresidentialInteriorValue	50	100
tblConstructionPhase	NumDays	120.00	0.00
tblConstructionPhase	PhaseEndDate	9/15/2023	4/2/2023
tblFleetMix	HHD	0.02	0.00
tblFleetMix	HHD	0.02	0.00
tblFleetMix	LDA	0.55	0.80
tblFleetMix	LDA	0.55	0.80
tblFleetMix	LDT1	0.06	0.10
tblFleetMix	LDT1	0.06	0.10
tblFleetMix	LDT2	0.17	0.10
tblFleetMix	LDT2	0.17	0.10
tblFleetMix	LHD1	0.02	0.00
tblFleetMix	LHD1	0.02	0.00
tblFleetMix	LHD2	6.8240e-003	0.00
tblFleetMix	LHD2	6.8240e-003	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.13	0.00
tblFleetMix	MDV	0.13	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblFleetMix	UBUS	2.4200e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblGrading	AcresOfGrading	0.00	180.00
tblLandUse	LandUseSquareFeet	181,500.00	90,000.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	36.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	36.00
tblProjectCharacteristics	CH4IntensityFactor	0	0.012
tblProjectCharacteristics	CO2IntensityFactor	0	115.57
tblProjectCharacteristics	N2OIntensityFactor	0	0.001
tblTripsAndVMT	VendorTripLength	6.90	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblVehicleTrips	DV_TP	40.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	20.00	0.00
tblVehicleTrips	DV_TP	38.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	PB_TP	15.00	0.00
tblVehicleTrips	PB_TP	50.00	0.00
tblVehicleTrips	PB_TP	12.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblVehicleTrips	PB_TP	43.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	11.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	45.00	100.00
tblVehicleTrips	PR_TP	29.00	100.00
tblVehicleTrips	PR_TP	51.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	PR_TP	37.00	100.00
tblVehicleTrips	PR_TP	58.00	100.00
tblVehicleTrips	PR_TP	54.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	ST_TR	53.75	23.76
tblVehicleTrips	ST_TR	616.12	136.43
tblVehicleTrips	ST_TR	696.00	116.14
tblVehicleTrips	ST_TR	6.42	4.58
tblVehicleTrips	ST_TR	1.99	0.00
tblVehicleTrips	ST_TR	122.40	30.01
tblVehicleTrips	ST_TR	8.19	4.90
tblVehicleTrips	ST_TR	46.12	27.17
tblVehicleTrips	ST_TR	1.74	1.73
tblVehicleTrips	SU_TR	33.67	23.76
tblVehicleTrips	SU_TR	472.58	136.43
tblVehicleTrips	SU_TR	500.00	116.14
tblVehicleTrips	SU_TR	5.09	4.58
tblVehicleTrips	SU_TR	5.00	0.00
tblVehicleTrips	SU_TR	142.64	30.01
tblVehicleTrips	SU_TR	5.95	4.90

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblVehicleTrips	SU_TR	21.10	27.17
tblVehicleTrips	SU_TR	1.74	1.73
tblVehicleTrips	WD_TR	41.80	23.76
tblVehicleTrips	WD_TR	470.95	136.43
tblVehicleTrips	WD_TR	346.23	116.14
tblVehicleTrips	WD_TR	3.93	4.58
tblVehicleTrips	WD_TR	4.96	0.00
tblVehicleTrips	WD_TR	112.18	30.01
tblVehicleTrips	WD_TR	8.36	4.90
tblVehicleTrips	WD_TR	37.75	27.17
tblVehicleTrips	WD_TR	1.74	1.73

2.0 Emissions Summary

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
2023	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**						

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					
2023	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**						

	ROG	NOx	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	113.6333	5.0100e-003	0.5525	4.0000e-005		1.9600e-003	1.9600e-003		1.9600e-003	1.9600e-003						
Energy	0.7718	7.0163	5.8937	0.0421		0.5332	0.5332		0.5332	0.5332						
Mobile	26.6363	35.8901	337.6473	1.0003	137.1237	0.6582	137.7819	36.4269	0.6109	37.0378						
Offroad	5.6125	80.8075	412.7549	0.1473		2.9117	2.9117		2.7323	2.7323						
Total	**146.6539**	**123.7190**	**756.8484**	**1.1897**	**137.1237**	**4.1051**	**141.2288**	**36.4269**	**3.8784**	**40.3053**						

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	113.6040	2.7800e-003	0.3204	2.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004						
Energy	0.7438	6.7615	5.6796	0.0406		0.5139	0.5139		0.5139	0.5139						
Mobile	26.6363	35.8901	337.6473	1.0003	137.1237	0.6582	137.7819	36.4269	0.6109	37.0378						
Offroad	5.6125	80.8075	412.7549	0.1473		2.9117	2.9117		2.7323	2.7323						
Total	**146.5965**	**123.4619**	**756.4022**	**1.1881**	**137.1237**	**4.0846**	**141.2083**	**36.4269**	**3.8579**	**40.2848**						

	ROG	NOx	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	**0.04**	**0.21**	**0.06**	**0.13**	**0.00**	**0.50**	**0.01**	**0.00**	**0.53**	**0.05**	**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	No Construction Analysis	Site Preparation	4/3/2023	4/2/2023	5	0	

Acres of Grading (Site Preparation Phase): 180

Acres of Grading (Grading Phase): 0

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Acres of Paving: 0

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
No Construction Analysis	Rubber Tired Dozers	0	8.00	247	0.40
No Construction Analysis	Tractors/Loaders/Backhoes	0	8.00	97	0.37

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
No Construction Analysis	0	0.00	0.00	0.00	0.00	0.00	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 No Construction Analysis - 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	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	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	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 No Construction Analysis - 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	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					
Fugitive Dust	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	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	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 No Construction Analysis - 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	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

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	26.6363	35.8901	337.6473	1.0003	137.1237	0.6582	137.7819	36.4269	0.6109	37.0378						
Unmitigated	26.6363	35.8901	337.6473	1.0003	137.1237	0.6582	137.7819	36.4269	0.6109	37.0378						

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Discount Club	4,752.00	4,752.00	4752.00	16,405,432	16,405,432
Fast Food Restaurant with Drive Thru	88.00	88.00	88.00	265,718	265,718
Fast Food Restaurant w/o Drive Thru	872.00	872.00	872.00	2,614,808	2,614,808
General Heavy Industry	709.99	709.99	709.99	3,370,800	3,370,800
General Light Industry	0.00	0.00	0.00		
High Turnover (Sit Down Restaurant)	318.00	318.00	318.00	1,020,008	1,020,008
Hotel	612.00	612.00	612.00	2,162,142	2,162,142
Regional Shopping Center	136.00	136.00	136.00	467,892	467,892
Unrefrigerated Warehouse-No Rail	8,515.93	8,515.93	8515.93	39,128,777	39,128,777
Total	16,003.93	16,003.93	16,003.93	65,435,576	65,435,576

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
Discount Club	16.60	8.40	6.90	16.70	64.30	19.00	100	0	0
Fast Food Restaurant with Drive	16.60	8.40	6.90	2.20	78.80	19.00	100	0	0
Fast Food Restaurant w/o Drive	16.60	8.40	6.90	1.50	79.50	19.00	100	0	0

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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
General Heavy Industry	16.60	8.40	6.90	59.00	28.00	13.00	100	0	0
General Light Industry	16.60	8.40	6.90	59.00	28.00	13.00	100	0	0
High Turnover (Sit Down	16.60	8.40	6.90	8.50	72.50	19.00	100	0	0
Hotel	16.60	8.40	6.90	19.40	61.60	19.00	100	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	100	0	0
Unrefrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	100	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Discount Club	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Fast Food Restaurant with Drive Thru	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Fast Food Restaurant w/o Drive Thru	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
General Heavy Industry	0.800000	0.100000	0.100000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
General Light Industry	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
High Turnover (Sit Down Restaurant)	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Hotel	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Regional Shopping Center	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Unrefrigerated Warehouse-No Rail	0.800000	0.100000	0.100000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

Install High Efficiency Lighting

Install Energy Efficient Appliances

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	ROG	NOx	CO	SO2	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	0.7438	6.7615	5.6796	0.0406		0.5139	0.5139		0.5139	0.5139						
NaturalGas Unmitigated	0.7718	7.0163	5.8937	0.0421		0.5332	0.5332		0.5332	0.5332						

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Discount Club	1205.48	0.0130	0.1182	0.0993	7.1000e-004		8.9800e-003	8.9800e-003		8.9800e-003	8.9800e-003						
Fast Food Restaurant w/o Drive Thru	5608.58	0.0605	0.5499	0.4619	3.3000e-003		0.0418	0.0418		0.0418	0.0418						
Fast Food Restaurant with Drive Thru	481.824	5.2000e-003	0.0472	0.0397	2.8000e-004		3.5900e-003	3.5900e-003		3.5900e-003	3.5900e-003						
General Heavy Industry	13729.2	0.1481	1.3460	1.1306	8.0800e-003		0.1023	0.1023		0.1023	0.1023						
General Light Industry	885.753	9.5500e-003	0.0868	0.0729	5.2000e-004		6.6000e-003	6.6000e-003		6.6000e-003	6.6000e-003						
High Turnover (Sit Down Restaurant)	7914.61	0.0854	0.7759	0.6518	4.6600e-003		0.0590	0.0590		0.0590	0.0590						
Hotel	14661.4	0.1581	1.4374	1.2074	8.6200e-003		0.1092	0.1092		0.1092	0.1092						
Regional Shopping Center	30.1671	3.3000e-004	2.9600e-003	2.4800e-003	2.0000e-005		2.2000e-004	2.2000e-004		2.2000e-004	2.2000e-004						
Unrefrigerated Warehouse-No Rail	27049.6	0.2917	2.6519	2.2276	0.0159		0.2016	0.2016		0.2016	0.2016						
Total		**0.7718**	**7.0163**	**5.8937**	**0.0421**		**0.5332**	**0.5332**		**0.5332**	**0.5332**						

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Discount Club	1.15342	0.0124	0.1131	0.0950	6.8000e-004		8.5900e-003	8.5900e-003		8.5900e-003	8.5900e-003						
Fast Food Restaurant w/o Drive Thru	5.5295	0.0596	0.5421	0.4554	3.2500e-003		0.0412	0.0412		0.0412	0.0412						
Fast Food Restaurant with Drive Thru	0.47503	5.1200e-003	0.0466	0.0391	2.8000e-004		3.5400e-003	3.5400e-003		3.5400e-003	3.5400e-003						
General Heavy Industry	13.4064	0.1446	1.3144	1.1041	7.8900e-003		0.0999	0.0999		0.0999	0.0999						
General Light Industry	0.864932	9.3300e-003	0.0848	0.0712	5.1000e-004		6.4400e-003	6.4400e-003		6.4400e-003	6.4400e-003						
High Turnover (Sit Down Restaurant)	7.80301	0.0842	0.7650	0.6426	4.5900e-003		0.0581	0.0581		0.0581	0.0581						
Hotel	13.9882	0.1509	1.3714	1.1520	8.2300e-003		0.1042	0.1042		0.1042	0.1042						
Regional Shopping Center	0.0288645	3.1000e-004	2.8300e-003	2.3800e-003	2.0000e-005		2.2000e-004	2.2000e-004		2.2000e-004	2.2000e-004						
Unrefrigerated Warehouse-No Rail	25.7173	0.2773	2.5213	2.1179	0.0151		0.1916	0.1916		0.1916	0.1916						
Total		**0.7438**	**6.7615**	**5.6796**	**0.0406**		**0.5139**	**0.5139**		**0.5139**	**0.5139**						

6.0 Area Detail

6.1 Mitigation Measures Area

Use Electric Lawnmower

Use Electric Leafblower

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Use Electric Chainsaw

	ROG	NOx	CO	SO2	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	113.6040	2.7800e-003	0.3204	2.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004						
Unmitigated	113.6333	5.0100e-003	0.5525	4.0000e-005		1.9600e-003	1.9600e-003		1.9600e-003	1.9600e-003						

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	6.8455					0.0000	0.0000		0.0000	0.0000						
Consumer Products	106.7369					0.0000	0.0000		0.0000	0.0000						
Landscaping	0.0509	5.0100e-003	0.5525	4.0000e-005		1.9600e-003	1.9600e-003		1.9600e-003	1.9600e-003						
Total	**113.6333**	**5.0100e-003**	**0.5525**	**4.0000e-005**		**1.9600e-003**	**1.9600e-003**		**1.9600e-003**	**1.9600e-003**						

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	6.8455					0.0000	0.0000		0.0000	0.0000						
Consumer Products	106.7369					0.0000	0.0000		0.0000	0.0000						
Landscaping	0.0216	2.7800e-003	0.3204	2.0000e-005		8.3000e-004	8.3000e-004		8.3000e-004	8.3000e-004						
Total	**113.6040**	**2.7800e-003**	**0.3204**	**2.0000e-005**		**8.3000e-004**	**8.3000e-004**		**8.3000e-004**	**8.3000e-004**						

7.0 Water Detail

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Forklifts	36	8.00	260	89	0.20	CNG

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Other General Industrial Equipment	36	8.00	260	88	0.34	CNG

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					
Forklifts	0.7215	34.4755	344.1364	0.0550		0.6691	0.6691		0.6691	0.6691						
Other General Industrial Equipment	4.8910	46.3320	68.6185	0.0922		2.2427	2.2427		2.0632	2.0632						
Total	**5.6125**	**80.8075**	**412.7549**	**0.1473**		**2.9117**	**2.9117**		**2.7323**	**2.7323**						

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

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1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Heavy Industry	155.00	1000sqft	3.56	155,000.00	0
General Light Industry	10.00	1000sqft	0.23	10,000.00	0
Unrefrigerated Warehouse-No Rail	4,912.00	1000sqft	112.76	4,912,000.00	0
Fast Food Restaurant with Drive Thru	0.65	1000sqft	0.01	645.00	0
High Turnover (Sit Down Restaurant)	10.60	1000sqft	0.24	10,595.00	0
Hotel	125.00	Room	4.17	90,000.00	0
Regional Shopping Center	5.01	1000sqft	0.11	5,005.00	0
Discount Club	200.00	1000sqft	4.59	200,000.00	0
Fast Food Restaurant w/o Drive Thru	7.51	1000sqft	0.17	7,508.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2027
Utility Company	User Defined				
CO2 Intensity (lb/MWhr)	115.57	**CH4 Intensity (lb/MWhr)**	0.012	**N2O Intensity (lb/MWhr)**	0.001

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Utility Emission Factors for Banning Electric

Land Use - Total Project area = 505.5 acres, assume that all area not covered by buildings or included as open space is paved. BESS represented by General Light Industry.

Construction Phase - Operations-only analysis.

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Off-road Equipment -

Off-road Equipment - Operations-only analysis.

Trips and VMT - Operations-only analysis.

Grading - Operations-only analysis.

Architectural Coating - Operations-only analysis.

Vehicle Trips - Trip rates from traffic study adjusted to only include light vehicles for gas station, warehouse, and industrial land uses; pass-by and diverted accounted for. BESS represented by General Light Industry.

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products -

Area Coating - Assume all coatings comply with SCAQMD Rule 1113.

Landscape Equipment -

Energy Use -

Water And Wastewater -

Solid Waste -

Construction Off-road Equipment Mitigation -

Mobile Land Use Mitigation -

Mobile Commute Mitigation -

Area Mitigation -

Energy Mitigation - PF-Enhanced bldg and window insulation, LED lighting, improved efficiency HVAC, Energy Star commercial appliances

Water Mitigation - PF-low water plants, Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water), Graywater (purple pipe) irrigation system

Waste Mitigation - PF-enhanced recycling provisions

Operational Off-Road Equipment - Assume each of the 9 warehouses would have 4 forklifts and 4 tenders, PF specifies that all would be electric-powered.

Fleet Mix - Fleet mix from traffic study adjusted to only include light vehicles for gas station, warehouse, and industrial land uses.

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_EF_Nonresidential_Exterior	100	50
tblAreaCoating	Area_EF_Nonresidential_Interior	100	50

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tblAreaMitigation	UseLowVOCPaintNonresidentialExteriorValue	50	100
tblAreaMitigation	UseLowVOCPaintNonresidentialInteriorValue	50	100
tblConstructionPhase	NumDays	120.00	0.00
tblConstructionPhase	PhaseEndDate	9/15/2023	4/2/2023
tblFleetMix	HHD	0.02	0.00
tblFleetMix	HHD	0.02	0.00
tblFleetMix	LDA	0.55	0.80
tblFleetMix	LDA	0.55	0.80
tblFleetMix	LDT1	0.06	0.10
tblFleetMix	LDT1	0.06	0.10
tblFleetMix	LDT2	0.17	0.10
tblFleetMix	LDT2	0.17	0.10
tblFleetMix	LHD1	0.02	0.00
tblFleetMix	LHD1	0.02	0.00
tblFleetMix	LHD2	6.8240e-003	0.00
tblFleetMix	LHD2	6.8240e-003	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.13	0.00
tblFleetMix	MDV	0.13	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	MHD	0.01	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblFleetMix	UBUS	2.4200e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblGrading	AcresOfGrading	0.00	180.00
tblLandUse	LandUseSquareFeet	181,500.00	90,000.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	36.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	36.00
tblProjectCharacteristics	CH4IntensityFactor	0	0.012
tblProjectCharacteristics	CO2IntensityFactor	0	115.57
tblProjectCharacteristics	N2OIntensityFactor	0	0.001
tblTripsAndVMT	VendorTripLength	6.90	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblVehicleTrips	DV_TP	40.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	20.00	0.00
tblVehicleTrips	DV_TP	38.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	PB_TP	15.00	0.00
tblVehicleTrips	PB_TP	50.00	0.00
tblVehicleTrips	PB_TP	12.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00

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tblVehicleTrips	PB_TP	43.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	11.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	45.00	100.00
tblVehicleTrips	PR_TP	29.00	100.00
tblVehicleTrips	PR_TP	51.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	PR_TP	37.00	100.00
tblVehicleTrips	PR_TP	58.00	100.00
tblVehicleTrips	PR_TP	54.00	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	ST_TR	53.75	23.76
tblVehicleTrips	ST_TR	616.12	136.43
tblVehicleTrips	ST_TR	696.00	116.14
tblVehicleTrips	ST_TR	6.42	4.58
tblVehicleTrips	ST_TR	1.99	0.00
tblVehicleTrips	ST_TR	122.40	30.01
tblVehicleTrips	ST_TR	8.19	4.90
tblVehicleTrips	ST_TR	46.12	27.17
tblVehicleTrips	ST_TR	1.74	1.73
tblVehicleTrips	SU_TR	33.67	23.76
tblVehicleTrips	SU_TR	472.58	136.43
tblVehicleTrips	SU_TR	500.00	116.14
tblVehicleTrips	SU_TR	5.09	4.58
tblVehicleTrips	SU_TR	5.00	0.00
tblVehicleTrips	SU_TR	142.64	30.01
tblVehicleTrips	SU_TR	5.95	4.90

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblVehicleTrips	SU_TR	21.10	27.17
tblVehicleTrips	SU_TR	1.74	1.73
tblVehicleTrips	WD_TR	41.80	23.76
tblVehicleTrips	WD_TR	470.95	136.43
tblVehicleTrips	WD_TR	346.23	116.14
tblVehicleTrips	WD_TR	3.93	4.58
tblVehicleTrips	WD_TR	4.96	0.00
tblVehicleTrips	WD_TR	112.18	30.01
tblVehicleTrips	WD_TR	8.36	4.90
tblVehicleTrips	WD_TR	37.75	27.17
tblVehicleTrips	WD_TR	1.74	1.73

2.0 Emissions Summary

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
2023	0.0000	0.0000	0.0000	0.0000	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					
2023	0.0000	0.0000	0.0000	0.0000	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)

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	20.7352	6.3000e-004	0.0691	1.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	0.1347	0.1347	3.5000e-004	0.0000	0.1434
Energy	0.1409	1.2805	1.0756	7.6800e-003		0.0973	0.0973		0.0973	0.0973	0.0000	2,335.3114	2,335.3114	0.1245	0.0337	2,348.4659
Mobile	4.8040	6.6979	64.1144	0.1852	24.4825	0.1196	24.6021	6.5133	0.1110	6.6244	0.0000	17,046.9383	17,046.9383	0.5839	0.5866	17,236.3486
Offroad	0.7296	10.5050	53.6581	0.0191		0.3785	0.3785		0.3552	0.3552	0.0000	1,873.6759	1,873.6759	0.6060	0.0000	1,888.8255
Waste						0.0000	0.0000		0.0000	0.0000	1,213.0436	0.0000	1,213.0436	71.6888	0.0000	3,005.2640
Water						0.0000	0.0000		0.0000	0.0000	380.1038	823.6437	1,203.7475	39.1258	0.9290	2,458.7213
Total	**26.4097**	**18.4840**	**118.9171**	**0.2120**	**24.4825**	**0.5957**	**25.0782**	**6.5133**	**0.5638**	**7.0771**	**1,593.1474**	**22,079.7039**	**23,672.8513**	**112.1294**	**1.5493**	**26,937.7688**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	20.7315	3.5000e-004	0.0401	0.0000		1.0000e-004	1.0000e-004		1.0000e-004	1.0000e-004	0.0000	0.0726	0.0726	1.5000e-004	0.0000	0.0763
Energy	0.1357	1.2340	1.0365	7.4000e-003		0.0938	0.0938		0.0938	0.0938	0.0000	1,954.0528	1,954.0528	0.0892	0.0299	1,965.1956
Mobile	4.8040	6.6979	64.1144	0.1852	24.4825	0.1196	24.6021	6.5133	0.1110	6.6244	0.0000	17,046.9383	17,046.9383	0.5839	0.5866	17,236.3486
Offroad	0.7296	10.5050	53.6581	0.0191		0.3785	0.3785		0.3552	0.3552	0.0000	1,873.6759	1,873.6759	0.6060	0.0000	1,888.8255
Waste						0.0000	0.0000		0.0000	0.0000	606.5218	0.0000	606.5218	35.8444	0.0000	1,502.6320
Water						0.0000	0.0000		0.0000	0.0000	95.0260	205.9109	300.9369	9.7815	0.2322	614.6803
Total	**26.4009**	**18.4372**	**118.8490**	**0.2117**	**24.4825**	**0.5920**	**25.0745**	**6.5133**	**0.5601**	**7.0734**	**701.5477**	**21,080.6505**	**21,782.1982**	**46.9051**	**0.8488**	**23,207.7584**

	ROG	NOx	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	**0.03**	**0.25**	**0.06**	**0.14**	**0.00**	**0.62**	**0.01**	**0.00**	**0.65**	**0.05**	**55.96**	**4.52**	**7.99**	**58.17**	**45.21**	**13.85**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	No Construction Analysis	Site Preparation	4/3/2023	4/2/2023	5	0	

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Acres of Grading (Site Preparation Phase): 180

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

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
No Construction Analysis	Rubber Tired Dozers	0	8.00	247	0.40
No Construction Analysis	Tractors/Loaders/Backhoes	0	8.00	97	0.37

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
No Construction Analysis	0	0.00	0.00	0.00	0.00	0.00	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 No Construction Analysis - 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	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	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	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 Not Applied

3.2 No Construction Analysis - 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	tons/yr										MT/yr					
Fugitive Dust	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	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	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**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	tons/yr										MT/yr					
Mitigated	4.8040	6.6979	64.1144	0.1852	24.4825	0.1196	24.6021	6.5133	0.1110	6.6244	0.0000	17,046.9383	17,046.9383	0.5839	0.5866	17,236.3486
Unmitigated	4.8040	6.6979	64.1144	0.1852	24.4825	0.1196	24.6021	6.5133	0.1110	6.6244	0.0000	17,046.9383	17,046.9383	0.5839	0.5866	17,236.3486

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Discount Club	4,752.00	4,752.00	4752.00	16,405,432	16,405,432
Fast Food Restaurant with Drive Thru	88.00	88.00	88.00	265,718	265,718
Fast Food Restaurant w/o Drive Thru	872.00	872.00	872.00	2,614,808	2,614,808
General Heavy Industry	709.99	709.99	709.99	3,370,800	3,370,800
General Light Industry	0.00	0.00	0.00		
High Turnover (Sit Down Restaurant)	318.00	318.00	318.00	1,020,008	1,020,008
Hotel	612.00	612.00	612.00	2,162,142	2,162,142
Regional Shopping Center	136.00	136.00	136.00	467,892	467,892
Unrefrigerated Warehouse-No Rail	8,515.93	8,515.93	8515.93	39,128,777	39,128,777
Total	16,003.93	16,003.93	16,003.93	65,435,576	65,435,576

4.3 Trip Type Information

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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
Discount Club	16.60	8.40	6.90	16.70	64.30	19.00	100	0	0
Fast Food Restaurant with Drive	16.60	8.40	6.90	2.20	78.80	19.00	100	0	0
Fast Food Restaurant w/o Drive	16.60	8.40	6.90	1.50	79.50	19.00	100	0	0
General Heavy Industry	16.60	8.40	6.90	59.00	28.00	13.00	100	0	0
General Light Industry	16.60	8.40	6.90	59.00	28.00	13.00	100	0	0
High Turnover (Sit Down	16.60	8.40	6.90	8.50	72.50	19.00	100	0	0
Hotel	16.60	8.40	6.90	19.40	61.60	19.00	100	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	100	0	0
Unrefrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	100	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Discount Club	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Fast Food Restaurant with Drive Thru	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Fast Food Restaurant w/o Drive Thru	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
General Heavy Industry	0.800000	0.100000	0.100000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
General Light Industry	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
High Turnover (Sit Down Restaurant)	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Hotel	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Regional Shopping Center	0.547196	0.056762	0.174118	0.130529	0.024505	0.006824	0.012367	0.017399	0.000546	0.000242	0.024357	0.000961	0.004193
Unrefrigerated Warehouse-No Rail	0.800000	0.100000	0.100000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Exceed Title 24

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Install High Efficiency Lighting

Install Energy Efficient Appliances

	ROG	NOx	CO	SO2	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	610.7326	610.7326	0.0634	5.2800e-003	613.8927
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	941.3521	941.3521	0.0977	8.1500e-003	946.2230
NaturalGas Mitigated	0.1357	1.2340	1.0365	7.4000e-003		0.0938	0.0938		0.0938	0.0938	0.0000	1,343.3202	1,343.3202	0.0258	0.0246	1,351.3029
NaturalGas Unmitigated	0.1409	1.2805	1.0756	7.6800e-003		0.0973	0.0973		0.0973	0.0973	0.0000	1,393.9593	1,393.9593	0.0267	0.0256	1,402.2429

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Discount Club	440000	2.3700e-003	0.0216	0.0181	1.3000e-004		1.6400e-003	1.6400e-003		1.6400e-003	1.6400e-003	0.0000	23.4801	23.4801	4.5000e-004	4.3000e-004	23.6196
Fast Food Restaurant w/o Drive Thru	2.04713e+006	0.0110	0.1004	0.0843	6.0000e-004		7.6300e-003	7.6300e-003		7.6300e-003	7.6300e-003	0.0000	109.2427	109.2427	2.0900e-003	2.0000e-003	109.8919
Fast Food Restaurant with Drive Thru	175866	9.5000e-004	8.6200e-003	7.2400e-003	5.0000e-005		6.6000e-004	6.6000e-004		6.6000e-004	6.6000e-004	0.0000	9.3849	9.3849	1.8000e-004	1.7000e-004	9.4406
General Heavy Industry	5.01115e+006	0.0270	0.2456	0.2063	1.4700e-003		0.0187	0.0187		0.0187	0.0187	0.0000	267.4141	267.4141	5.1300e-003	4.9000e-003	269.0032
General Light Industry	323300	1.7400e-003	0.0159	0.0133	1.0000e-004		1.2000e-003	1.2000e-003		1.2000e-003	1.2000e-003	0.0000	17.2525	17.2525	3.3000e-004	3.2000e-004	17.3550
High Turnover (Sit Down Restaurant)	2.88883e+006	0.0156	0.1416	0.1190	8.5000e-004		0.0108	0.0108		0.0108	0.0108	0.0000	154.1591	154.1591	2.9500e-003	2.8300e-003	155.0752
Hotel	5.3514e+006	0.0289	0.2623	0.2204	1.5700e-003		0.0199	0.0199		0.0199	0.0199	0.0000	285.5711	285.5711	5.4700e-003	5.2400e-003	287.2681
Regional Shopping Center	11011	6.0000e-005	5.4000e-004	4.5000e-004	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.5876	0.5876	1.0000e-005	1.0000e-005	0.5911
Unrefrigerated Warehouse-No Rail	9.87312e+006	0.0532	0.4840	0.4065	2.9000e-003		0.0368	0.0368		0.0368	0.0368	0.0000	526.8673	526.8673	0.0101	9.6600e-003	529.9982
Total		**0.1409**	**1.2805**	**1.0756**	**7.6700e-003**		**0.0973**	**0.0973**		**0.0973**	**0.0973**	**0.0000**	**1,393.9593**	**1,393.9593**	**0.0267**	**0.0256**	**1,402.2429**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Discount Club	421000	2.2700e-003	0.0206	0.0173	1.2000e-004		1.5700e-003	1.5700e-003		1.5700e-003	1.5700e-003	0.0000	22.4662	22.4662	4.3000e-004	4.1000e-004	22.5997
Fast Food Restaurant w/o Drive Thru	2.01827e+006	0.0109	0.0989	0.0831	5.9000e-004		7.5200e-003	7.5200e-003		7.5200e-003	7.5200e-003	0.0000	107.7024	107.7024	2.0600e-003	1.9700e-003	108.3424
Fast Food Restaurant with Drive Thru	173386	9.3000e-004	8.5000e-003	7.1400e-003	5.0000e-005		6.5000e-004	6.5000e-004		6.5000e-004	6.5000e-004	0.0000	9.2525	9.2525	1.8000e-004	1.7000e-004	9.3075
General Heavy Industry	4.89335e+006	0.0264	0.2399	0.2015	1.4400e-003		0.0182	0.0182		0.0182	0.0182	0.0000	261.1278	261.1278	5.0000e-003	4.7900e-003	262.6795
General Light Industry	315700	1.7000e-003	0.0155	0.0130	9.0000e-005		1.1800e-003	1.1800e-003		1.1800e-003	1.1800e-003	0.0000	16.8470	16.8470	3.2000e-004	3.1000e-004	16.9471
High Turnover (Sit Down Restaurant)	2.8481e+006	0.0154	0.1396	0.1173	8.4000e-004		0.0106	0.0106		0.0106	0.0106	0.0000	151.9855	151.9855	2.9100e-003	2.7900e-003	152.8887
Hotel	5.1057e+006	0.0275	0.2503	0.2102	1.5000e-003		0.0190	0.0190		0.0190	0.0190	0.0000	272.4596	272.4596	5.2200e-003	5.0000e-003	274.0787
Regional Shopping Center	10535.5	6.0000e-005	5.2000e-004	4.3000e-004	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.5622	0.5622	1.0000e-005	1.0000e-005	0.5656
Unrefrigerated Warehouse-No Rail	9.38683e+006	0.0506	0.4601	0.3865	2.7600e-003		0.0350	0.0350		0.0350	0.0350	0.0000	500.9171	500.9171	9.6000e-003	9.1800e-003	503.8938
Total		**0.1357**	**1.2340**	**1.0365**	**7.3900e-003**		**0.0938**	**0.0938**		**0.0938**	**0.0938**	**0.0000**	**1,343.3202**	**1,343.3202**	**0.0257**	**0.0246**	**1,351.3029**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Discount Club	2.428e+006	127.2798	0.0132	1.1000e-003	127.9384
Fast Food Restaurant w/o Drive Thru	346569	18.1677	1.8900e-003	1.6000e-004	18.2618
Fast Food Restaurant with Drive Thru	29773.2	1.5608	1.6000e-004	1.0000e-005	1.5688
General Heavy Industry	1.5376e+006	80.6036	8.3700e-003	7.0000e-004	81.0206
General Light Industry	99200	5.2002	5.4000e-004	4.0000e-005	5.2271
High Turnover (Sit Down Restaurant)	489065	25.6376	2.6600e-003	2.2000e-004	25.7703
Hotel	1.5705e+006	82.3282	8.5500e-003	7.1000e-004	82.7542
Regional Shopping Center	60760.7	3.1852	3.3000e-004	3.0000e-005	3.2017
Unrefrigerated Warehouse-No Rail	1.13958e+007	597.3890	0.0620	5.1700e-003	600.4801
Total		**941.3521**	**0.0978**	**8.1400e-003**	**946.2230**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Discount Club	1.5456e+006	81.0229	8.4100e-003	7.0000e-004	81.4422
Fast Food Restaurant w/o Drive Thru	290680	15.2379	1.5800e-003	1.3000e-004	15.3168
Fast Food Restaurant with Drive Thru	24971.8	1.3091	1.4000e-004	1.0000e-005	1.3158
General Heavy Industry	1.15661e+006	60.6314	6.3000e-003	5.2000e-004	60.9452
General Light Industry	76240	3.9966	4.1000e-004	3.0000e-005	4.0173
High Turnover (Sit Down Restaurant)	410196	21.5032	2.2300e-003	1.9000e-004	21.6144
Hotel	1.16231e+006	60.9300	6.3300e-003	5.3000e-004	61.2452
Regional Shopping Center	38213.2	2.0032	2.1000e-004	2.0000e-005	2.0136
Unrefrigerated Warehouse-No Rail	6.94557e+006	364.0983	0.0378	3.1500e-003	365.9823
Total		**610.7326**	**0.0634**	**5.2800e-003**	**613.8927**

6.0 Area Detail

6.1 Mitigation Measures Area

Use Electric Lawnmower

Use Electric Leafblower

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Use Electric Chainsaw

	ROG	NOx	CO	SO2	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	20.7315	3.5000e-004	0.0401	0.0000		1.0000e-004	1.0000e-004		1.0000e-004	1.0000e-004	0.0000	0.0726	0.0726	1.5000e-004	0.0000	0.0763
Unmitigated	20.7352	6.3000e-004	0.0691	1.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	0.1347	0.1347	3.5000e-004	0.0000	0.1434

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	1.2493					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	19.4795					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	6.3600e-003	6.3000e-004	0.0691	1.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	0.1347	0.1347	3.5000e-004	0.0000	0.1434
Total	**20.7352**	**6.3000e-004**	**0.0691**	**1.0000e-005**		**2.5000e-004**	**2.5000e-004**		**2.5000e-004**	**2.5000e-004**	**0.0000**	**0.1347**	**0.1347**	**3.5000e-004**	**0.0000**	**0.1434**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	1.2493					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	19.4795					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.7000e-003	3.5000e-004	0.0401	0.0000		1.0000e-004	1.0000e-004		1.0000e-004	1.0000e-004	0.0000	0.0726	0.0726	1.5000e-004	0.0000	0.0763
Total	**20.7315**	**3.5000e-004**	**0.0401**	**0.0000**		**1.0000e-004**	**1.0000e-004**		**1.0000e-004**	**1.0000e-004**	**0.0000**	**0.0726**	**0.0726**	**1.5000e-004**	**0.0000**	**0.0763**

7.0 Water Detail

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	300.9369	9.7815	0.2322	614.6803
Unmitigated	1,203.7475	39.1258	0.9290	2,458.7213

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Discount Club	14.8145 / 9.07986	20.1002	0.4843	0.0115	35.6449
Fast Food Restaurant w/o Drive Thru	2.27954 / 0.145502	2.3639	0.0745	1.7700e-003	4.7520
Fast Food Restaurant with Drive Thru	0.197297 / 0.0125934	0.2046	6.4400e-003	1.5000e-004	0.4113
General Heavy Industry	35.8438 / 0	35.8379	1.1705	0.0278	73.3820
General Light Industry	2.3125 / 0	2.3121	0.0755	1.7900e-003	4.7343
High Turnover (Sit Down Restaurant)	3.21746 / 0.20537	3.3365	0.1051	2.5000e-003	6.7073
Hotel	3.17085 / 0.352316	3.3755	0.1036	2.4600e-003	6.6979
Regional Shopping Center	0.370363 / 0.226996	0.5025	0.0121	2.9000e-004	0.8911
Unrefrigerated Warehouse-No Rail	1135.9 / 0	1,135.7142	37.0938	0.8807	2,325.5005
Total		**1,203.7475**	**39.1258**	**0.9290**	**2,458.7213**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Discount Club	3.70363 / 2.26996	5.0251	0.1211	2.8800e-003	8.9112
Fast Food Restaurant w/o Drive Thru	0.569885 / 0.0363756	0.5910	0.0186	4.4000e-004	1.1880
Fast Food Restaurant with Drive Thru	0.0493242 / 0.00314835	0.0512	1.6100e-003	4.0000e-005	0.1028
General Heavy Industry	8.96094 / 0	8.9595	0.2926	6.9500e-003	18.3455
General Light Industry	0.578125 / 0	0.5780	0.0189	4.5000e-004	1.1836
High Turnover (Sit Down Restaurant)	0.804364 / 0.0513424	0.8341	0.0263	6.2000e-004	1.6768
Hotel	0.792712 / 0.0880791	0.8439	0.0259	6.2000e-004	1.6745
Regional Shopping Center	0.0925907 / 0.0567491	0.1256	3.0300e-003	7.0000e-005	0.2228
Unrefrigerated Warehouse-No Rail	283.975 / 0	283.9286	9.2735	0.2202	581.3751
Total		**300.9369**	**9.7815**	**0.2322**	**614.6803**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	606.5218	35.8444	0.0000	1,502.6320
Unmitigated	1,213.0436	71.6888	0.0000	3,005.2640

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Discount Club	860.14	174.6007	10.3186	0.0000	432.5657
Fast Food Restaurant w/o Drive Thru	86.51	17.5608	1.0378	0.0000	43.5060
Fast Food Restaurant with Drive Thru	7.49	1.5204	0.0899	0.0000	3.7667
General Heavy Industry	192.2	39.0149	2.3057	0.0000	96.6577
General Light Industry	12.4	2.5171	0.1488	0.0000	6.2360
High Turnover (Sit Down Restaurant)	126.14	25.6053	1.5132	0.0000	63.4360
Hotel	68.44	13.8927	0.8210	0.0000	34.4186
Regional Shopping Center	5.25	1.0657	0.0630	0.0000	2.6402
Unrefrigerated Warehouse-No Rail	4617.28	937.2661	55.3908	0.0000	2,322.0371
Total		**1,213.0435**	**71.6888**	**0.0000**	**3,005.2640**

Sunset Crossroads Operations - All 4 Phases Combined - Light Vehicles - incl. Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Discount Club	430.07	87.3003	5.1593	0.0000	216.2829
Fast Food Restaurant w/o Drive Thru	43.255	8.7804	0.5189	0.0000	21.7530
Fast Food Restaurant with Drive Thru	3.745	0.7602	0.0449	0.0000	1.8834
General Heavy Industry	96.1	19.5074	1.1529	0.0000	48.3288
General Light Industry	6.2	1.2585	0.0744	0.0000	3.1180
High Turnover (Sit Down Restaurant)	63.07	12.8026	0.7566	0.0000	31.7180
Hotel	34.22	6.9464	0.4105	0.0000	17.2093
Regional Shopping Center	2.625	0.5329	0.0315	0.0000	1.3201
Unrefrigerated Warehouse-No Rail	2308.64	468.6331	27.6954	0.0000	1,161.0186
Total		**606.5218**	**35.8444**	**0.0000**	**1,502.6320**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Forklifts	36	8.00	260	89	0.20	CNG
Other General Industrial Equipment	36	8.00	260	88	0.34	CNG

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
Forklifts	0.0938	4.4818	44.7377	7.1500e-003		0.0870	0.0870		0.0870	0.0870	0.0000	820.6852	820.6852	0.2654	0.0000	827.3208
Other General Industrial Equipment	0.6358	6.0232	8.9204	0.0120		0.2915	0.2915		0.2682	0.2682	0.0000	1,052.9908	1,052.9908	0.3406	0.0000	1,061.5047
Total	**0.7296**	**10.5050**	**53.6581**	**0.0191**		**0.3785**	**0.3785**		**0.3552**	**0.3552**	**0.0000**	**1,873.6759**	**1,873.6759**	**0.6060**	**0.0000**	**1,888.8255**

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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features

San Bernardino-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Heavy Industry	155.00	1000sqft	3.56	155,000.00	0
Unrefrigerated Warehouse-No Rail	4,912.00	1000sqft	112.76	4,912,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2027
Utility Company	User Defined				
CO2 Intensity (lb/MWhr)	115.57	**CH4 Intensity (lb/MWhr)**	0.012	**N2O Intensity (lb/MWhr)**	0.001

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Utility Emission Factors for Banning Electric

Land Use -

Construction Phase - Operations-only analysis.

Off-road Equipment - Operations-only analysis.

Trips and VMT - Operations-only analysis.

Grading - Operations-only analysis.

Architectural Coating - Operations-only analysis.

Vehicle Trips - Trip Rates from Traffic Study, Trip Lengths based on SCAQMD WAIRE Methodology

Consumer Products - Mobile truck run only

Area Coating - Mobile truck run only

Landscape Equipment - Mobile truck run only

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Energy Use - Mobile truck run only

Water And Wastewater - Mobile truck run only

Solid Waste - Mobile truck run only

Fleet Mix - Fleet Mix base on information provided in the Traffic analysis

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_EF_Nonresidential_Exterior	100	0
tblAreaCoating	Area_EF_Nonresidential_Interior	100	0
tblAreaCoating	Area_EF_Parking	100	0
tblAreaCoating	Area_EF_Residential_Exterior	50	0
tblAreaCoating	Area_EF_Residential_Interior	50	0
tblAreaCoating	Area_Nonresidential_Exterior	2533500	0
tblAreaCoating	Area_Nonresidential_Interior	7600500	0
tblAreaCoating	ReapplicationRatePercent	10	0
tblConsumerProducts	ROG_EF	1.98E-05	0
tblConsumerProducts	ROG_EF_Degreaser	3.542E-07	0
tblConsumerProducts	ROG_EF_PesticidesFertilizers	5.152E-08	0
tblEnergyUse	LightingElect	2.93	0.00
tblEnergyUse	LightingElect	1.17	0.00
tblEnergyUse	NT24E	5.02	0.00
tblEnergyUse	NT24E	0.82	0.00
tblEnergyUse	NT24NG	17.13	0.00
tblEnergyUse	NT24NG	0.03	0.00
tblEnergyUse	T24E	1.97	0.00
tblEnergyUse	T24E	0.33	0.00
tblEnergyUse	T24NG	15.20	0.00
tblEnergyUse	T24NG	1.98	0.00
tblFleetMix	HHD	0.02	0.61
tblFleetMix	HHD	0.02	0.62

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblFleetMix	LDA	0.55	0.00
tblFleetMix	LDA	0.55	0.00
tblFleetMix	LDT1	0.06	0.00
tblFleetMix	LDT1	0.06	0.00
tblFleetMix	LDT2	0.17	0.00
tblFleetMix	LDT2	0.17	0.00
tblFleetMix	LHD1	0.02	0.09
tblFleetMix	LHD1	0.02	0.08
tblFleetMix	LHD2	6.8240e-003	0.11
tblFleetMix	LHD2	6.8240e-003	0.10
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.13	0.09
tblFleetMix	MDV	0.13	0.08
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MHD	0.01	0.11
tblFleetMix	MHD	0.01	0.10
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblGrading	AcresOfGrading	0.00	180.00
tblLandscapeEquipment	NumberSummerDays	250	0
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblProjectCharacteristics	CH4IntensityFactor	0	0.012

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblProjectCharacteristics	CO2IntensityFactor	0	115.57
tblProjectCharacteristics	N2OIntensityFactor	0	0.001
tblSolidWaste	LandfillCaptureGasFlare	94.00	0.00
tblSolidWaste	LandfillCaptureGasFlare	94.00	0.00
tblSolidWaste	LandfillNoGasCapture	6.00	0.00
tblSolidWaste	LandfillNoGasCapture	6.00	0.00
tblSolidWaste	SolidWasteGenerationRate	192.20	0.00
tblSolidWaste	SolidWasteGenerationRate	4,617.28	0.00
tblVehicleTrips	CC_TTP	28.00	0.00
tblVehicleTrips	CNW_TTP	13.00	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CW_TL	16.60	29.98
tblVehicleTrips	CW_TL	16.60	30.44
tblVehicleTrips	CW_TTP	59.00	100.00
tblVehicleTrips	CW_TTP	59.00	100.00
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	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	ST_TR	6.42	0.43
tblVehicleTrips	ST_TR	1.74	0.36
tblVehicleTrips	SU_TR	5.09	0.43
tblVehicleTrips	SU_TR	1.74	0.36
tblVehicleTrips	WD_TR	3.93	0.43
tblVehicleTrips	WD_TR	1.74	0.36
tblWater	IndoorWaterUseRate	35,843,750.00	0.00
tblWater	IndoorWaterUseRate	1,135,900,000.00	0.00

2.0 Emissions Summary

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					
2025	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
2026	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**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					
2025	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
2026	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
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	5.1414	209.1856	70.1298	1.1702	49.1442	2.2985	51.4427	13.6773	2.1981	15.8754		125,986.0514	125,986.0514	4.1465	18.0387	131,465.2585
Total	**5.1889**	**209.1903**	**70.6458**	**1.1702**	**49.1442**	**2.3003**	**51.4445**	**13.6773**	**2.2000**	**15.8773**		**125,987.1604**	**125,987.1604**	**4.1493**	**18.0387**	**131,466.4395**

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	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
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	5.1414	209.1856	70.1298	1.1702	49.1442	2.2985	51.4427	13.6773	2.1981	15.8754		125,986.0514	125,986.0514	4.1465	18.0387	131,465.2585
Total	**5.1889**	**209.1903**	**70.6458**	**1.1702**	**49.1442**	**2.3003**	**51.4445**	**13.6773**	**2.2000**	**15.8773**		**125,987.1604**	**125,987.1604**	**4.1493**	**18.0387**	**131,466.4395**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	Construction not analyzed	Site Preparation	8/20/2025	2/3/2026	5	120	

Acres of Grading (Site Preparation Phase): 180

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

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
Construction not analyzed	Rubber Tired Dozers	0	8.00	247	0.40
Construction not analyzed	Tractors/Loaders/Backhoes	0	8.00	97	0.37

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
Construction not analyzed	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2025

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**		**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
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	0.0000	0.0000	0.0000	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**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2025

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**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
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	0.0000	0.0000	0.0000	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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2026

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**		**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
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	0.0000	0.0000	0.0000	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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2026

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**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
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	0.0000	0.0000	0.0000	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**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	5.1414	209.1856	70.1298	1.1702	49.1442	2.2985	51.4427	13.6773	2.1981	15.8754		125,986.0514	125,986.0514	4.1465	18.0387	131,465.2585
Unmitigated	5.1414	209.1856	70.1298	1.1702	49.1442	2.2985	51.4427	13.6773	2.1981	15.8754		125,986.0514	125,986.0514	4.1465	18.0387	131,465.2585

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
General Heavy Industry	66.00	66.00	66.00	720,229	720,229
Unrefrigerated Warehouse-No Rail	1,782.07	1,782.07	1782.07	19,745,661	19,745,661
Total	1,848.07	1,848.07	1,848.07	20,465,889	20,465,889

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
General Heavy Industry	29.98	8.40	6.90	100.00	0.00	0.00	100	0	0
Unrefrigerated Warehouse-No	30.44	8.40	6.90	100.00	0.00	0.00	100	0	0

4.4 Fleet Mix

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
General Heavy Industry	0.000000	0.000000	0.000000	0.090910	0.090910	0.106060	0.106060	0.606060	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.000000	0.000000	0.000000	0.083830	0.083830	0.103870	0.103870	0.624600	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	0.0000	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 Not 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					
General Heavy Industry	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**

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					
General Heavy Industry	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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	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	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
Unmitigated	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810

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	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
Total	**0.0475**	**4.6800e-003**	**0.5160**	**4.0000e-005**		**1.8300e-003**	**1.8300e-003**		**1.8300e-003**	**1.8300e-003**		**1.1089**	**1.1089**	**2.8800e-003**		**1.1810**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
Total	**0.0475**	**4.6800e-003**	**0.5160**	**4.0000e-005**		**1.8300e-003**	**1.8300e-003**		**1.8300e-003**	**1.8300e-003**		**1.1089**	**1.1089**	**2.8800e-003**		**1.1810**

7.0 Water Detail

7.1 Mitigation Measures Water

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features

San Bernardino-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Heavy Industry	155.00	1000sqft	3.56	155,000.00	0
Unrefrigerated Warehouse-No Rail	4,912.00	1000sqft	112.76	4,912,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2027
Utility Company	User Defined				
CO2 Intensity (lb/MWhr)	115.57	**CH4 Intensity (lb/MWhr)**	0.012	**N2O Intensity (lb/MWhr)**	0.001

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Utility Emission Factors for Banning Electric

Land Use -

Construction Phase - Operations-only analysis.

Off-road Equipment - Operations-only analysis.

Trips and VMT - Operations-only analysis.

Grading - Operations-only analysis.

Architectural Coating - Operations-only analysis.

Vehicle Trips - Trip Rates from Traffic Study, Trip Lengths based on SCAQMD WAIRE Methodology

Consumer Products - Mobile truck run only

Area Coating - Mobile truck run only

Landscape Equipment - Mobile truck run only

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Energy Use - Mobile truck run only

Water And Wastewater - Mobile truck run only

Solid Waste - Mobile truck run only

Fleet Mix - Fleet Mix base on information provided in the Traffic analysis

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_EF_Nonresidential_Exterior	100	0
tblAreaCoating	Area_EF_Nonresidential_Interior	100	0
tblAreaCoating	Area_EF_Parking	100	0
tblAreaCoating	Area_EF_Residential_Exterior	50	0
tblAreaCoating	Area_EF_Residential_Interior	50	0
tblAreaCoating	Area_Nonresidential_Exterior	2533500	0
tblAreaCoating	Area_Nonresidential_Interior	7600500	0
tblAreaCoating	ReapplicationRatePercent	10	0
tblConsumerProducts	ROG_EF	1.98E-05	0
tblConsumerProducts	ROG_EF_Degreaser	3.542E-07	0
tblConsumerProducts	ROG_EF_PesticidesFertilizers	5.152E-08	0
tblEnergyUse	LightingElect	2.93	0.00
tblEnergyUse	LightingElect	1.17	0.00
tblEnergyUse	NT24E	5.02	0.00
tblEnergyUse	NT24E	0.82	0.00
tblEnergyUse	NT24NG	17.13	0.00
tblEnergyUse	NT24NG	0.03	0.00
tblEnergyUse	T24E	1.97	0.00
tblEnergyUse	T24E	0.33	0.00
tblEnergyUse	T24NG	15.20	0.00
tblEnergyUse	T24NG	1.98	0.00
tblFleetMix	HHD	0.02	0.61
tblFleetMix	HHD	0.02	0.62

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblFleetMix	LDA	0.55	0.00
tblFleetMix	LDA	0.55	0.00
tblFleetMix	LDT1	0.06	0.00
tblFleetMix	LDT1	0.06	0.00
tblFleetMix	LDT2	0.17	0.00
tblFleetMix	LDT2	0.17	0.00
tblFleetMix	LHD1	0.02	0.09
tblFleetMix	LHD1	0.02	0.08
tblFleetMix	LHD2	6.8240e-003	0.11
tblFleetMix	LHD2	6.8240e-003	0.10
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.13	0.09
tblFleetMix	MDV	0.13	0.08
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MHD	0.01	0.11
tblFleetMix	MHD	0.01	0.10
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblGrading	AcresOfGrading	0.00	180.00
tblLandscapeEquipment	NumberSummerDays	250	0
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblProjectCharacteristics	CH4IntensityFactor	0	0.012

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblProjectCharacteristics	CO2IntensityFactor	0	115.57
tblProjectCharacteristics	N2OIntensityFactor	0	0.001
tblSolidWaste	LandfillCaptureGasFlare	94.00	0.00
tblSolidWaste	LandfillCaptureGasFlare	94.00	0.00
tblSolidWaste	LandfillNoGasCapture	6.00	0.00
tblSolidWaste	LandfillNoGasCapture	6.00	0.00
tblSolidWaste	SolidWasteGenerationRate	192.20	0.00
tblSolidWaste	SolidWasteGenerationRate	4,617.28	0.00
tblVehicleTrips	CC_TTP	28.00	0.00
tblVehicleTrips	CNW_TTP	13.00	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CW_TL	16.60	29.98
tblVehicleTrips	CW_TL	16.60	30.44
tblVehicleTrips	CW_TTP	59.00	100.00
tblVehicleTrips	CW_TTP	59.00	100.00
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	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	ST_TR	6.42	0.43
tblVehicleTrips	ST_TR	1.74	0.36
tblVehicleTrips	SU_TR	5.09	0.43
tblVehicleTrips	SU_TR	1.74	0.36
tblVehicleTrips	WD_TR	3.93	0.43
tblVehicleTrips	WD_TR	1.74	0.36
tblWater	IndoorWaterUseRate	35,843,750.00	0.00
tblWater	IndoorWaterUseRate	1,135,900,000.00	0.00

2.0 Emissions Summary

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					
2025	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
2026	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**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					
2025	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
2026	0.0000	0.0000	0.0000	0.0000	1.5908	0.0000	1.5908	0.1718	0.0000	0.1718	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
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	4.8570	219.8653	68.7789	1.1685	49.1442	2.3005	51.4447	13.6773	2.2001	15.8773		125,818.7150	125,818.7150	4.1328	18.0646	131,305.2971
Total	**4.9045**	**219.8700**	**69.2949**	**1.1685**	**49.1442**	**2.3023**	**51.4465**	**13.6773**	**2.2019**	**15.8792**		**125,819.8240**	**125,819.8240**	**4.1357**	**18.0646**	**131,306.4781**

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	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
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	4.8570	219.8653	68.7789	1.1685	49.1442	2.3005	51.4447	13.6773	2.2001	15.8773		125,818.7150	125,818.7150	4.1328	18.0646	131,305.2971
Total	**4.9045**	**219.8700**	**69.2949**	**1.1685**	**49.1442**	**2.3023**	**51.4465**	**13.6773**	**2.2019**	**15.8792**		**125,819.8240**	**125,819.8240**	**4.1357**	**18.0646**	**131,306.4781**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	Construction not analyzed	Site Preparation	8/20/2025	2/3/2026	5	120	

Acres of Grading (Site Preparation Phase): 180

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

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
Construction not analyzed	Rubber Tired Dozers	0	8.00	247	0.40
Construction not analyzed	Tractors/Loaders/Backhoes	0	8.00	97	0.37

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
Construction not analyzed	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2025

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**		**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
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	0.0000	0.0000	0.0000	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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2025

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**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
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	0.0000	0.0000	0.0000	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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2026

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**		**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
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	0.0000	0.0000	0.0000	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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2026

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					1.5908	0.0000	1.5908	0.1718	0.0000	0.1718			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
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**1.5908**	**0.0000**	**1.5908**	**0.1718**	**0.0000**	**0.1718**	**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
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	0.0000	0.0000	0.0000	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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	4.8570	219.8653	68.7789	1.1685	49.1442	2.3005	51.4447	13.6773	2.2001	15.8773		125,818.7150	125,818.7150	4.1328	18.0646	131,305.2971
Unmitigated	4.8570	219.8653	68.7789	1.1685	49.1442	2.3005	51.4447	13.6773	2.2001	15.8773		125,818.7150	125,818.7150	4.1328	18.0646	131,305.2971

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
General Heavy Industry	66.00	66.00	66.00	720,229	720,229
Unrefrigerated Warehouse-No Rail	1,782.07	1,782.07	1782.07	19,745,661	19,745,661
Total	1,848.07	1,848.07	1,848.07	20,465,889	20,465,889

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
General Heavy Industry	29.98	8.40	6.90	100.00	0.00	0.00	100	0	0
Unrefrigerated Warehouse-No	30.44	8.40	6.90	100.00	0.00	0.00	100	0	0

4.4 Fleet Mix

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
General Heavy Industry	0.000000	0.000000	0.000000	0.090910	0.090910	0.106060	0.106060	0.606060	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.000000	0.000000	0.000000	0.083830	0.083830	0.103870	0.103870	0.624600	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	0.0000	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 Not 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					
General Heavy Industry	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**

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					
General Heavy Industry	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

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	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	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
Unmitigated	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810

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	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
Total	**0.0475**	**4.6800e-003**	**0.5160**	**4.0000e-005**		**1.8300e-003**	**1.8300e-003**		**1.8300e-003**	**1.8300e-003**		**1.1089**	**1.1089**	**2.8800e-003**		**1.1810**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0475	4.6800e-003	0.5160	4.0000e-005		1.8300e-003	1.8300e-003		1.8300e-003	1.8300e-003		1.1089	1.1089	2.8800e-003		1.1810
Total	**0.0475**	**4.6800e-003**	**0.5160**	**4.0000e-005**		**1.8300e-003**	**1.8300e-003**		**1.8300e-003**	**1.8300e-003**		**1.1089**	**1.1089**	**2.8800e-003**		**1.1810**

7.0 Water Detail

7.1 Mitigation Measures Water

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features

San Bernardino-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Heavy Industry	155.00	1000sqft	3.56	155,000.00	0
Unrefrigerated Warehouse-No Rail	4,912.00	1000sqft	112.76	4,912,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2027
Utility Company	User Defined				
CO2 Intensity (lb/MWhr)	115.57	**CH4 Intensity (lb/MWhr)**	0.012	**N2O Intensity (lb/MWhr)**	0.001

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Utility Emission Factors for Banning Electric

Land Use -

Construction Phase - Operations-only analysis.

Off-road Equipment - Operations-only analysis.

Trips and VMT - Operations-only analysis.

Grading - Operations-only analysis.

Architectural Coating - Operations-only analysis.

Vehicle Trips - Trip Rates from Traffic Study, Trip Lengths based on SCAQMD WAIRE Methodology

Consumer Products - Mobile truck run only

Area Coating - Mobile truck run only

Landscape Equipment - Mobile truck run only

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Energy Use - Mobile truck run only

Water And Wastewater - Mobile truck run only

Solid Waste - Mobile truck run only

Fleet Mix - Fleet Mix base on information provided in the Traffic analysis

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_EF_Nonresidential_Exterior	100	0
tblAreaCoating	Area_EF_Nonresidential_Interior	100	0
tblAreaCoating	Area_EF_Parking	100	0
tblAreaCoating	Area_EF_Residential_Exterior	50	0
tblAreaCoating	Area_EF_Residential_Interior	50	0
tblAreaCoating	Area_Nonresidential_Exterior	2533500	0
tblAreaCoating	Area_Nonresidential_Interior	7600500	0
tblAreaCoating	ReapplicationRatePercent	10	0
tblConsumerProducts	ROG_EF	1.98E-05	0
tblConsumerProducts	ROG_EF_Degreaser	3.542E-07	0
tblConsumerProducts	ROG_EF_PesticidesFertilizers	5.152E-08	0
tblEnergyUse	LightingElect	2.93	0.00
tblEnergyUse	LightingElect	1.17	0.00
tblEnergyUse	NT24E	5.02	0.00
tblEnergyUse	NT24E	0.82	0.00
tblEnergyUse	NT24NG	17.13	0.00
tblEnergyUse	NT24NG	0.03	0.00
tblEnergyUse	T24E	1.97	0.00
tblEnergyUse	T24E	0.33	0.00
tblEnergyUse	T24NG	15.20	0.00
tblEnergyUse	T24NG	1.98	0.00
tblFleetMix	HHD	0.02	0.61
tblFleetMix	HHD	0.02	0.62

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblFleetMix	LDA	0.55	0.00
tblFleetMix	LDA	0.55	0.00
tblFleetMix	LDT1	0.06	0.00
tblFleetMix	LDT1	0.06	0.00
tblFleetMix	LDT2	0.17	0.00
tblFleetMix	LDT2	0.17	0.00
tblFleetMix	LHD1	0.02	0.09
tblFleetMix	LHD1	0.02	0.08
tblFleetMix	LHD2	6.8240e-003	0.11
tblFleetMix	LHD2	6.8240e-003	0.10
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.13	0.09
tblFleetMix	MDV	0.13	0.08
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MH	4.1930e-003	0.00
tblFleetMix	MHD	0.01	0.11
tblFleetMix	MHD	0.01	0.10
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	OBUS	5.4600e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	SBUS	9.6100e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblFleetMix	UBUS	2.4200e-004	0.00
tblGrading	AcresOfGrading	0.00	180.00
tblLandscapeEquipment	NumberSummerDays	250	0
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblProjectCharacteristics	CH4IntensityFactor	0	0.012

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

tblProjectCharacteristics	CO2IntensityFactor	0	115.57
tblProjectCharacteristics	N2OIntensityFactor	0	0.001
tblSolidWaste	LandfillCaptureGasFlare	94.00	0.00
tblSolidWaste	LandfillCaptureGasFlare	94.00	0.00
tblSolidWaste	LandfillNoGasCapture	6.00	0.00
tblSolidWaste	LandfillNoGasCapture	6.00	0.00
tblSolidWaste	SolidWasteGenerationRate	192.20	0.00
tblSolidWaste	SolidWasteGenerationRate	4,617.28	0.00
tblVehicleTrips	CC_TTP	28.00	0.00
tblVehicleTrips	CNW_TTP	13.00	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CW_TL	16.60	29.98
tblVehicleTrips	CW_TL	16.60	30.44
tblVehicleTrips	CW_TTP	59.00	100.00
tblVehicleTrips	CW_TTP	59.00	100.00
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	100.00
tblVehicleTrips	PR_TP	92.00	100.00
tblVehicleTrips	ST_TR	6.42	0.43
tblVehicleTrips	ST_TR	1.74	0.36
tblVehicleTrips	SU_TR	5.09	0.43
tblVehicleTrips	SU_TR	1.74	0.36
tblVehicleTrips	WD_TR	3.93	0.43
tblVehicleTrips	WD_TR	1.74	0.36
tblWater	IndoorWaterUseRate	35,843,750.00	0.00
tblWater	IndoorWaterUseRate	1,135,900,000.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

2.0 Emissions Summary

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					
2025	0.0000	0.0000	0.0000	0.0000	0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
2026	0.0000	0.0000	0.0000	0.0000	0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0955**	**0.0000**	**0.0955**	**0.0103**	**0.0000**	**0.0103**	**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					
2025	0.0000	0.0000	0.0000	0.0000	0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
2026	0.0000	0.0000	0.0000	0.0000	0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0955**	**0.0000**	**0.0955**	**0.0103**	**0.0000**	**0.0103**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
		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	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
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	0.9041	40.2903	12.5003	0.2124	8.7960	0.4180	9.2140	2.4529	0.3997	2.8526	0.0000	20,747.7187	20,747.7187	0.6827	2.9784	21,652.3474
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	**0.9041**	**40.2903**	**12.5003**	**0.2124**	**8.7960**	**0.4180**	**9.2140**	**2.4529**	**0.3997**	**2.8526**	**0.0000**	**20,747.7187**	**20,747.7187**	**0.6827**	**2.9784**	**21,652.3474**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
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	0.9041	40.2903	12.5003	0.2124	8.7960	0.4180	9.2140	2.4529	0.3997	2.8526	0.0000	20,747.7187	20,747.7187	0.6827	2.9784	21,652.3474
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	**0.9041**	**40.2903**	**12.5003**	**0.2124**	**8.7960**	**0.4180**	**9.2140**	**2.4529**	**0.3997**	**2.8526**	**0.0000**	**20,747.7187**	**20,747.7187**	**0.6827**	**2.9784**	**21,652.3474**

	ROG	NOx	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	Construction not analyzed	Site Preparation	8/20/2025	2/3/2026	5	120	

Acres of Grading (Site Preparation Phase): 180

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

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
Construction not analyzed	Rubber Tired Dozers	0	8.00	247	0.40
Construction not analyzed	Tractors/Loaders/Backhoes	0	8.00	97	0.37

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
Construction not analyzed	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2025

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					0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	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**	**0.0955**	**0.0000**	**0.0955**	**0.0103**	**0.0000**	**0.0103**	**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 Not Applied

3.2 Construction not analyzed - 2025

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					0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	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**	**0.0955**	**0.0000**	**0.0955**	**0.0103**	**0.0000**	**0.0103**	**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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2026

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					0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	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**	**0.0955**	**0.0000**	**0.0955**	**0.0103**	**0.0000**	**0.0103**	**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**

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

3.2 Construction not analyzed - 2026

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					0.0955	0.0000	0.0955	0.0103	0.0000	0.0103	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**	**0.0955**	**0.0000**	**0.0955**	**0.0103**	**0.0000**	**0.0103**	**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**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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	tons/yr										MT/yr					
Mitigated	0.9041	40.2903	12.5003	0.2124	8.7960	0.4180	9.2140	2.4529	0.3997	2.8526	0.0000	20,747.7187	20,747.7187	0.6827	2.9784	21,652.3474
Unmitigated	0.9041	40.2903	12.5003	0.2124	8.7960	0.4180	9.2140	2.4529	0.3997	2.8526	0.0000	20,747.7187	20,747.7187	0.6827	2.9784	21,652.3474

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
General Heavy Industry	66.00	66.00	66.00	720,229	720,229
Unrefrigerated Warehouse-No Rail	1,782.07	1,782.07	1782.07	19,745,661	19,745,661
Total	1,848.07	1,848.07	1,848.07	20,465,889	20,465,889

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
General Heavy Industry	29.98	8.40	6.90	100.00	0.00	0.00	100	0	0
Unrefrigerated Warehouse-No	30.44	8.40	6.90	100.00	0.00	0.00	100	0	0

4.4 Fleet Mix

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
General Heavy Industry	0.000000	0.000000	0.000000	0.090910	0.090910	0.106060	0.106060	0.606060	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.000000	0.000000	0.000000	0.083830	0.083830	0.103870	0.103870	0.624600	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	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

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not 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					
General Heavy Industry	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**

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					
General Heavy Industry	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**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
General Heavy Industry	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**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
General Heavy Industry	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

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	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
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

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	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	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 Not 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	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	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**

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 Not 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			
General Heavy Industry	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**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
General Heavy Industry	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

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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
General Heavy Industry	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**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
General Heavy Industry	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

Sunset Crossroads Operations All Phases Combined - HD Vehicles - with Project Features - San Bernardino-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

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

ATTACHMENT C:

VMT

TECHNICAL MEMORANDUM

DATE: October 10, 2025
TO: J.J. Jenkins, NP Banning Industrial, LLC
FROM: Alex So, Urban Crossroads, Inc.
JOB NO: 15718-01 VMT

SUBJECT: MODIFIED SUNSET CROSSROADS SPECIFIC PLAN (SP NO. 200-20000002) VEHICLE MILES TRAVELED (VMT) COMPARATIVE ANALYSIS

Urban Crossroads, Inc. has completed the following Vehicle Miles Traveled (VMT) Comparative Analysis for the Modified Sunset Crossroads Specific Plan (Modified Project), which is generally located south of the I-10 Freeway and west of Sunset Avenue in the City of Banning. This technical memorandum presents an analysis of project-generated VMT based on a proposed change in land use and provides a comparison of analysis findings to those previously presented in the Sunset Crossroads VMT Analysis (dated August 25, 2023) and the Sunset Crossroads Draft Environmental Impact Report (SCH No. 2021020011) dated December 2023; hereafter referred to as the "2023 VMT Analysis". Specifically, the purpose of this analysis is to determine whether the Modified Project's proposed land use changes would result in any new VMT impacts as compared to those previously disclosed in the 2023 VMT Analysis.

PROJECT OVERVIEW

The DEIR and the 2023 VMT Analysis evaluated 268,400 square feet of commercial uses and a hotel with 125 rooms and comprised of approximately 90,000 square feet within a 47.9-acre portion of the Development Site designated for freeway-oriented General Commercial land uses, 5,545,000 square feet of industrial land uses within a 392.0-acre portion of the development site, with the remaining 93.9 acres designated as Open Space-Resources (53.0 acres), Open Space-Parks (12.6 acres), or assigned for circulation features (28.3 acres).

This VMT analysis evaluates proposed land use changes defined as part of the Modified Project to ensure VMT impacts are no greater than those already disclosed in the 2023 VMT Analysis. Specifically, the following land use changes have been evaluated as part of a Modified Project description:

- Removal of 330,000 square feet of High-Cube Cold Storage Use (Buildings 5 & 6)
- Removal of 105,500 square feet of Warehousing use (Buildings 5 & 6)
- Removal of 42,500 square feet of General Light Industrial use (Buildings 5 & 6)
- Removal of 40,700 square feet of Go-Kart Racing use
- Removal of 13,000 square feet of Rock Climbing use
- Removal of 116,700 square feet of Health/Fitness Club use
- Removal of 9,500 square feet of Medical-Dental Office use

- Removal of 7,500 square feet of Truck Stop use
- Removal of 9,500 square foot Quality Restaurant use
- Reduce Retail use from 12,000 square feet to 5,005 square feet
- Reduce High Turnover Sit-down Restaurant use from 40,000 square feet to 10,595 square feet
- Reduce Fast-food Restaurant With Drive-Through Window use from 7,000 square feet to 645 square feet
- Addition of 200,000 square feet of Discount Club use
- Addition of 7,508 square feet of Fast-Food Without Drive-Through Window use

This results in a total reduction of 478,000 square feet of Industrial use along with a total reduction of 239,655 square feet of Commercial Retail uses and replacing these uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use. All other Industrial and Retail uses remain the same.

VMT METRIC AND SIGNIFICANCE THRESHOLD

This VMT analysis has been prepared in accordance with the City's adopted Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis (1). (dated October 2021, referred to as City Guidelines). As stated in Section 4.2.3 of the City Guidelines, "for mixed-use projects (i.e., projects containing more than one land use type), the VMT analysis should be performed separately for each component of the project using the most appropriate VMT metric."[1] In addition, this VMT analysis is prepared consistent with the Project Draft Environmental Impact Report (DEIR) on page 4.17.2 with the following VMT metric and thresholds:

> The City has adopted the VMT metric for retail projects greater than 50,000 sf of gross leasable area to utilize the metric of net change in total VMT. Therefore, for purposes of this analysis with respect to the Modified Project's Retail uses a significant impact to VMT would occur if the addition of the Modified Project's retail component would result in a **net increase in total VMT for the WRCOG region.** City Guidelines defines the region as the WRCOG region for VMT analysis.
>
> For projects that are not residential, office, or retail land use types~~,~~ (i.e., non-retail uses), the City Guidelines identify VMT per employee as the appropriate VMT metric for analysis. Therefore, the Project's non-retail uses should be evaluated based on the metric VMT per employee. A significant impact to VMT would occur if the addition of the Project's non-retail component would result in Project generated **VMT per employee to exceed the City's significance threshold of 25.9**.

Accordingly, like the EIR's analysis of VMT for the Project, the analysis for the modified project uses the City VMT Guidelines which assesses whether there is a net increase in total VMT for the WRCOG region, and does not examine whether there is the net change in Total VMT within the City of Banning.

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[1] City's Guidelines; Page 20.

PROJECT VMT ESTIMATES

In the Modified Project, the reduction in estimated employees is attributable solely to decreases in building square footage rather than any change to employee density assumptions. Employee estimates are derived using the County of Riverside's standard conversion factors of 1,030 square feet per employee for industrial uses and 500 square feet per employee for retail uses. Accordingly, the original 5,545,000 square feet of industrial space generated 5,383 employees, while the reduced 5,067,000 square feet under the Modified Project generates 4,920 employees. Similarly, retail employment decreased from 537 to 520 employees as retail building area declined from 268,400 to 223,753 square feet. Hotel employment remains unchanged at 73 employees. While certain jurisdictions apply a lower employee ratio for big-box retail than for smaller shops, the County's standard factor of 500 square feet per employee was applied uniformly across all retail space in this analysis. Tables 1 & 2 identify the 2023 VMT Analysis and the Modified Project's employment estimates.

TABLE 1: 2023 VMT ANALYSIS EMPLOYMENT ESTIMATES

Land Use	Building Area	Conversion Factor[1]	Estimated Employees
Industrial	5,545,000 SF	1,030 SF per employee	5,383 Industrial Employees
Retail	268,400 SF	500 SF per employee	537 Retail Employees
Hotel	125 Rooms	14.34 trips per employee[2]	73 Service Employees

Riverside County General Plan; Appendix E-2

[2] ITE Trip Generation Manual (10th Edition). 1,046 hotel daily trips / 14.34 trips per employee = 73 hotel employees

TABLE 2: MODIFIED PROJECT EMPLOYMENT ESTIMATES

Land Use	Building Area	Conversion Factor[1]	Estimated Employees
Industrial	5,067,000 SF	1,030 SF per employee	4,920 Industrial Employees
Retail	223,753 SF	500 SF per employee	520 Retail Employees
Hotel	125 Rooms	14.34 trips per employee[2]	73 Service Employees

Riverside County General Plan; Appendix E-2

[2] ITE Trip Generation Manual (10th Edition). 1,046 hotel daily trips / 14.34 trips per employee = 73 hotel employees

RETAIL VMT CALCULATION

As described previously, retail land uses are evaluated using net change in total VMT for the WRCOG region. RIVCOM was applied to calculate link level VMT for the WRCOG region under both "Baseline No Project" and "Baseline With Project" scenarios. This approach, commonly referred to as the "boundary method," accounts for all vehicle trips with one or both trip ends within a defined geographic area, in this case the WRCOG region. As shown in Table 3, the Modified Project results in a net decrease in total VMT within the WRCOG Region, which falls below the City's impact threshold. By comparison, the Modified Project results in less total VMT within the WRCOG Region than that previously reported in the 2023 VMT Analysis.

TABLE 3: NET CHANGE IN TOTAL VMT

Retail	No Project	Modified Project	2023 VMT Analysis
Total VMT	46,664,450	46,206,951	46,241,002
+/- to Total VMT	-	-457,499	-423,448
Net Increase?	-	No	No
Exceeds Threshold?	-	No	No

NON-RETAIL VMT CALCULATION

The City's Guidelines specify VMT per employee as the appropriate metric for evaluating industrial land uses. For this analysis, RIVCOM was used to estimate the Project-generated VMT associated with the non-retail land uses. This value was then divided by the Project's employment estimate to determine the Project's VMT per employee. Table 3 summarizes the home-based work (HBW) VMT results from RIVCOM along with the estimated number of non-retail employees and the corresponding VMT per employee metric. As shown in Table 3, the Modified Project was found to result in less HBW VMT as compared to the 2023 VMT Analysis, and the resulting VMT per employee metric was also found to be lower for the Modified Project as compared to the 2023 VMT Analysis.

TABLE 3: NON-RETAIL VMT PER EMPLOYEE

Non-Retail	Modified Project	2023 VMT Analysis
HBW VMT	151,224	165,615
Employment	4,920	5,383
VMT per Employee[1]	30.7	30.8
City Threshold	25.9	25.9
Difference	+4.8	+4.9
Percent Above Threshold	+18.5%	+18.9%
Exceeds Threshold?	Yes	Yes

HBW VMT per 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 City Guidelines.

VMT REDUCTION STRATEGY

The mitigation measure required in the DEIR (Page 4.17-14) consists of preparation of a Transportation Demand Management (TDM) strategy report to reduce employee VMT and would be formulated based on future tenants. It includes the consideration of the following VMT reducing project design features:

- Commute Trip Reduction Marketing
- Ridesharing Program
- End of Trip Facilities

However, as noted in the DEIR, a detailed TDM strategy cannot be developed at this time because the future tenants are not yet known. The same approach applies to the modified project. As with the original project, because specific tenants and their operational characteristics are currently unknown, it is not possible to determine which TDM measures would be appropriate or whether implementation of feasible measures would reduce the Project's VMT per employee to a less-than-

significant level. Accordingly, under CEQA, the conclusion remains that VMT impacts would be significant and unavoidable.

CONCLUSION

Based on the results of this analysis, the following findings are made:

- Changes to land use for the Modified Project results in a reduction of 478,000 square feet of industrial uses and 239,655 square feet of retail uses, partially replaced by 200,000 square feet of Discount Club use and 7,508 square feet of Fast Food Without Drive Through use.
- The retail VMT analysis shows a decrease in total regional VMT for the Modified Project as compared to that evaluated in the 2023 VMT Analysis.
- The Modified Project was also found to result in less HBW VMT as compared to the 2023 VMT Analysis, and the resulting VMT per employee metric was also found to be lower for the Modified Project as compared to the 2023 VMT Analysis.
- The Modified Project would result in the same VMT impact findings as the 2023 VMT Analysis.
  - The Retail component would continue to result in a less than significant VMT impact.
  - Conversely, the non-retail components of the Project would continue to result in a significant and unavoidable VMT impact.
  - All previously identified VMT-reducing measures and project design features remain applicable and appropriate to reduce project-related VMT to the extent feasible. As the future tenants are still unknown, the Modified Project VMT impact remains significant and unavoidable.

If you have any questions, please contact me directly at aso@urbanxroads.com.

REFERENCES

1. **City of Banning.** *Traffic Impact Analysis Guidelines For Local Transportation Analysis and Vehicle Miles Traveled Analysis.* City of Banning : s.n., October 2021.

ATTACHMENT D:

NOISE

TECHNICAL MEMORANDUM

DATE: October 10, 2025
TO: JJ Jenkins, NP Banning Industrial, LLC
FROM: Bill Maddux, Urban Crossroads, Inc.
JOB NO: 13534-14

SUBJECT: SUNSET CROSSROADS NOISE ASSESSMENT

Urban Crossroads, Inc. is pleased to provide the following supplemental Noise Assessment in support of the Sunset Crossroads (Project). A Final Environmental Impact Report (FEIR) for the Original Project was completed and released for public review in 2024. (1) The FEIR determined that all Project noise impacts would be reduced to less than significant with the incorporation of project design features and mitigation measures.

The purpose of this assessment is to determine whether the Modified Project's proposed land use changes would result in any new or additional noise impacts based on the City's noise standards and thresholds used in the FEIR that were not previously analyzed.

PROJECT BACKGROUND

The FEIR for the Sunset Crossroads Project evaluated 5,545,000 square feet of Warehousing/Industrial/Light industrial use, including 330,000 square feet of High Cube Cold Storage Warehouse use, with a commercial component that included up to 268,400 square feet (including a 7,500 square foot Truck Stop with Fueling Stations), plus a 125-room Hotel (Project) with the following mix of uses:

- 3,381,000 square feet of High-Cube Fulfillment Center Warehouse use
- 197,500 square feet of General Light Industrial use
- 490,500 square feet of Warehousing use
- 896,000 square feet of High-Cube Transload and Short-term Storage Warehouse use
- 250,000 square feet of High-Cube Parcel Hub Warehouse use
- 330,000 square feet of High-Cube Cold Storage Warehouse use
- 12,000 square feet of Retail use
- 40,700 square feet of Go-Kart Racing use
- 13,000 square feet of Rock Climbing use
- 12,500 square feet of Trampoline Park use
- 116,700 square feet of Health/Fitness Club
- 9,500 square feet of Quality Restaurant use
- 40,000 square feet of High Turnover Sit-Down Restaurant use
- 7,000 square feet of Fast-Food Restaurant with Drive-Through Window use
- 9,500 square feet of Medical-Dental Office use
- 125-room Hotel
- 7,500 square foot Truck Stop

A new 2025 trip generation assessment has been prepared by Urban Crossroads, Inc. that compares the Modified Project with the changes proposed as part of the Development Agreement to the Project in the FEIR to ensure the environmental effects are less than those already disclosed in the DEIR. (2) Specifically, the changes to the Modified Project are outlined as follows:

- Removal of 330,000 square feet of High-Cube Cold Storage Use (Buildings 5 & 6)
- Removal of 105,500 square feet of Warehousing use (Buildings 5 & 6)
- Removal of 42,500 square feet of General Light Industrial use (Buildings 5 & 6)
- Removal of 40,700 square feet of Go-Kart Racing use
- Removal of 13,000 square feet of Rock Climbing use
- Removal of 116,700 square feet of Health/Fitness Club use
- Removal of 9,500 square feet of Medical-Dental Office use
- Removal of 7,500 square feet of Truck Stop use
- Removal of 9,500 square feet of Quality Restaurant use
- Reduce Retail use from 12,000 square feet to 5,005 square feet
- Reduce High Turnover Sit-down Restaurant use from 40,000 square feet to 10,595 square feet
- Reduce Fast-food Restaurant With Drive-Through Window use from 7,000 square feet to 645 square feet
- Addition of 200,000 square feet of Discount Club use
- Addition of 7,508 square feet of Fast-Food Without Drive-Through Window use

This results in a total reduction of 478,000 square feet of Industrial use, along with a total reduction of 239,655 square feet of Commercial Retail uses, and replacing these uses with 200,000 square feet of Discount Club use and 7,508 square feet of Fast-Food Without Drive-Through Window use. All other Industrial and Retail uses remain the same.

Off-Site Traffic Evaluation

The Modified Project generates 17,852 average daily trips (16,004 passenger vehicles and 1,848 trucks), a reduction from the Project's 20,469 average daily trips (17,166 passenger vehicles and 3,300 trucks). This represents a 7 percent (%) decrease in vehicle trips and a 44% decrease in truck trips (32% total). ~~Table 1 summarizes the estimated trip generation between the alternatives after converting the project truck trips to passenger vehicles.~~

According to California Department of Transportation (Caltrans) Technical Noise Supplement (TeNS) to the Noise Analysis Protocol, when measuring traffic noise and there are difference in vehicle classification, i.e. a mix of auto mobiles and trucks, between the measurements, the noise levels can be normalized by multiplying the trucks by a factor of 10 or more to equal a similar number of automobiles. In essence, trucks are at least 10 times louder than automobiles, and multiplying the number of trucks by 10, they can be added to the automobile volume, and the totals can be compared to determine the noise level change due to the change in total traffic volume. Table 1 summarizes the estimated trip generation between the alternatives after and the normalized traffic volumes.

TABLE 1: TRIP GENERATION SUMMARY

Land Use	Traffic Volumes	
	Daily	Normalized
Project		
Passenger Cars	17,166	17,166
Trucks	3,330	33,300
Project Total	**20,496**	**50,466**
Modified Project		
Passenger Cars	16,004	16,004
Trucks	1,848	18,480
Modified Project Total	**17,852**	**34,484**
Project vs. Modified Project		
Net Change of Passenger Cars	-1,162	-1,162
Net Change of Trucks	-1,482	-14,820
Total Project Net Change	**-2,644**	**-15,982**

OFF-SITE TRAFFIC NOISE

Given that trucks produce noise levels up to 10 times higher than passenger vehicles, as noted in the ~~California Department of Transportation (~~Caltrans~~) Technical Noise Supplement (~~ TeNS~~),~~ this reduction is significant for noise impacts. (3) If we evaluate the ~~increase~~change in trip generation between the Project and the Modified Project, converting all vehicles to passenger vehicle equivalents using Caltrans normalization, gives us a 32% decrease in overall equivalent vehicles.

Because decibels are logarithmic units, noise levels "cannot be added or subtracted by ordinary arithmetic means." For example, if a specific volumes of traffic passes an observer and generates 65 dBA CNEL, doubling that traffic volume would not produce 130 dB; they would combine to produce 68 dBA CNEL. According to Caltrans, "two decibel-addition rules are important. First, when adding a noise level to an approximately equal noise level, the total noise level increases 3 dB. For example, doubling the traffic on a highway would result in an increase of 3 dB. Conversely, reducing traffic by one half would reduce the noise level by 3 dB. Second, when two noise levels are 10 dB or more apart, the lower value does not contribute significantly (less than 0.5 dB) to the total noise level." This can be calculated using the Following equation: $10*LOG_{10}$(Modified Project Volume/Original Project Volume). Using the normalized traffic volumes shown in Table 1 results in an approximate 2 dBA CNEL decrease in traffic noise levels.

As identified in the *Modified Sunset Crossroads (SP No. 20-20000002) Trip Generation Assessment* the distribution of traffic under the Modified Project would be similar to the Project. (2) Therefore, based on the difference in acoustic energy between the normalized volumes, this decrease in traffic volumes, which would occur on the same roadways identified in the FEIR ~~and~~, would result in a 2 dBA CNEL decrease over off-site traffic noise levels identified for the Project in the FEIR.

Operation

The FEIR identified stationary operations noise sources, including truck delivery and truck loading/unloading activities; heating, ventilation, and air conditioning (HVAC), including cold storage, equipment; refrigeration equipment; drive-through speakerphones; parking activities; fueling activities; and outdoor eating activities. The FEIR Supplemental Noise Analysis concluded that with Project design features included in the FEIR, noise levels generated from operations of the Development Project would be less than significant, including at residential noise receivers (4).

The Modified Project would include similar on-site noise sources; however, there would be fewer loading docks and less on-site truck activity as well as less rooftop equipment associated with cold storage, which is anticipated to result in lower overall noise levels at surrounding receivers. ~~Since~~Additionally, the Modified Project removes industrial uses from planning area 2 and it is uncertain at this time what uses will be proposed. Therefore, it would be speculative to analyze potential future impacts associated with planning area 2. The big box retail will be developed in planning area 1 with no change in location as compared to the off-site sensitive receivers. Finally, since the same Project design feature included in the FEIR Supplemental Noise Analysis would continue to be applicable to the Modified Project and the noise sources are similar, ~~the Modified Project~~even without reference to an updated site plan, noise impacts from operations would ~~result in~~be similar and remain less than significant ~~impacts.~~.

Construction

The FEIR evaluated on-site construction activities and off-site traffic noise from construction deliveries and workers accessing the Project site. The analysis included Mass Grading, Grading, Sitework-Utilities, Building Construction, Paving, and Architectural Coatings. The FEIR concluded that noise levels generated from on-site construction activity and off-site construction-related traffic would be less than significant, including at residential noise receivers. However, because it is yet to be determined if a noise barrier can be constructed on the City's right-of-way, construction noise impacts for the construction of the roadway and utilities on Sunset Boulevard would be considered significant and unavoidable.

The FEIR evaluated on-site construction activities for vibration impacts to off-site receivers, as discussed in the FEIR, "the closest building structures are located east of the Development Project (across Sunset Avenue) approximately 58 ft from the project construction boundary and would experience a vibration level of up to 0.059 PPV (in/sec)...Other building structures surrounding the Development Site would experience lower vibration levels because they are farther away." Additionally, the found that vibration would result in less than significant impacts due to annoyance. Both the original Project and the Modified Project would involve the same construction stages and would use similar, if not the same equipment for all phases of construction. Therefore, the Modified Project would generate similar construction vibration levels at off-site receivers as identified in the FEIR for the original Project.

The Modified Project would require a similar level of construction effort, including similar phases of construction, equipment requirements, number of workers, and deliveries. ~~Thus, construction noise~~For example, the loudest activities are associated with site preparation and grading, which would occur across the entire site under both the original Project and the Modified Project. Thus, construction noise and vibration from the construction of the Modified Project is anticipated to be

nearly identical to the Project and would therefore result in similar impacts as the Project. ~~Therefore~~Due to feasible limitations for mitigation of construction noise identified in the , the Modified Project would also result in significant unavoidable construction noise impacts.

CONCLUSION

The Modified Project is anticipated to reduce off-site traffic noise impacts and result in similar operations and construction impacts. Therefore, the Modified Project does not result in a new significant environmental impact or a substantial increase in the severity of an environmental impact. Therefore, this does not represent significant new information as defined in Section 15088.5(a) of the State CEQA Guidelines. The project modifications do not change the findings in the Final EIR and lessen noise impacts without causing any new environmental impacts.

REFERENCES

1. **City of Banning.** *Sunset Crossroads Project Final Environmental Impact Report, SCH# 2021020011.* Banning, California : LSA Associates, Inc., July 2024.

2. **Urban Crossroads, Inc.** *Modified Sunset Crossroads (SP No. 20-20000002) Trip Generation Assessment.* 2025.

3. **California Department of Transportation Environmental Program.** *Technical Noise Supplement - A Technical Supplement to the Traffic Noise Analysis Protocol.* Sacramento, CA : s.n., September 2013.

4. **LSA Associates, Inc.** *Supplemental Noise Anlaysis for the Sunset Crossroads Project, Banning, California.* July 2024.

TECHNICAL MEMORANDUM

DATE: February 18, 2026
TO: Mark Staples, City of Banning
FROM: Charlene So, Urban Crossroads, Inc.
JOB NO: 13534-19 TG Memo v2.1

SUBJECT: SUNSET CROSSROADS MODIFIED PROJECT V2.1 (SP NO. 20-20000002) TRIP GENERATION ASSESSMENT

Urban Crossroads, Inc. provided the City with a Sunset Crossroads Project—Supplemental CEQA Memorandum dated October 23, 2025 (Supplemental CEQA Memorandum) that evaluated the following uses (see bullets), which represented a reduction from the uses evaluated for the Project in the FEIR and the 2023 Supplemental Traffic Assessment attached as Exhibit J-3 to the Draft EIR (SCH No. 2021020011) (FEIR Supplemental Traffic Assessment). The Modified Project described in the Supplemental CEQA Memorandum reduced overall square footage of the Project described in the Final EIR by removing 478,000 SF of industrial use, and reducing commercial retail square footage to 239,655 SF plus a 125-room hotel, removing various uses described therein and replacing them with 200,000 SF of discount club and 7,508 SF of fast-food without drive-through window uses:

- 3,3851,000 SF of high-cube fulfillment center warehouse
- 155,000 SF of general light industrial
- 385,000 SF of warehousing
- 896,000 SF of high-cube transload/short-term storage warehouse
- 250,000 SF of high-cube parcel hub warehouse
- 200,000 SF of discount club
- 5,005 SF of retail
- 10,595 SF of high turnover sit-down restaurant
- 7,508 SF of fast-food restaurant without drive-through window
- 645 SF of fast-food restaurant with drive-through window
- 125 room hotel

The Modified Project was anticipated to generate 17,852 daily trips per day (of which 1,848 are trucks) which represented a reduction in trips from the FEIR Supplemental Traffic Assessment of 2,644 daily trips.

The project is proposing further modifications (Modified Project v2.1) which removes an additional Building (denominated in the FEIR Supplemental Traffic Study within Planning Area 7) from the industrial component of the project resulting in a further reduction of 274,000 SF of warehousing use. Modified Project v2.1 would have a maximum industrial square footage of 4,749,000 square feet and is anticipated to generate 17,308 daily trips (of which 1,696 are trucks) as shown in Table 1. The commercial square footage in Modified Project v.2.1 remains as described in the Supplemental CEQA Memorandum.

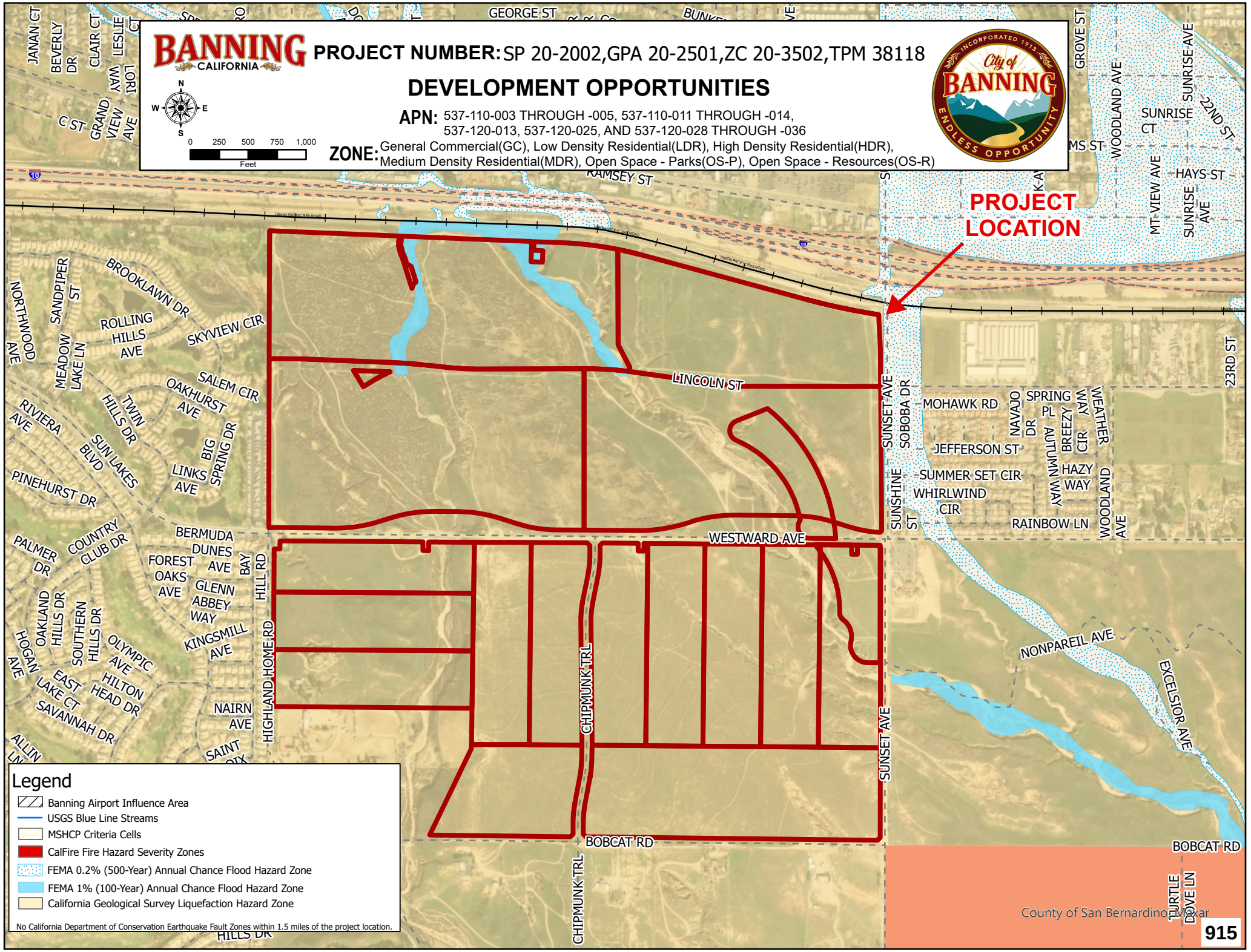
TABLE 1: MODIFIED PROJECT V2.1 TRIP GENERATION

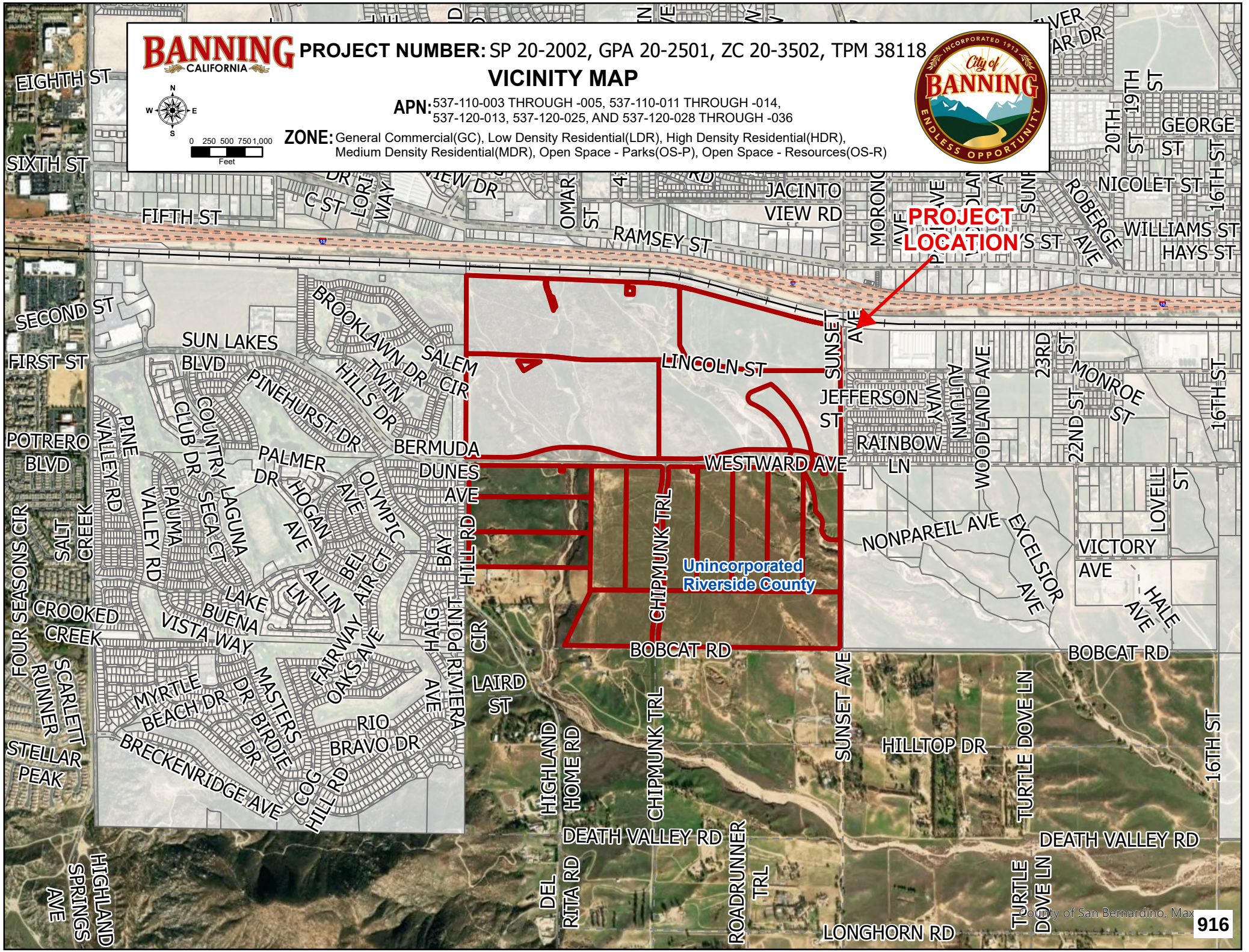
Land Use	Quantity	Units[1]	AM Peak Hour	PM Peak Hour	Daily
Modified Project v2.1:					
Commercial	223.753	TSF			
Passenger Cars:			448	676	6,936
Industrial	5,067.000	TSF			
Passenger Cars:			665	808	8,676
Trucks:			94	90	1,696
Modified Project v2.1 Total			**1,207**	**1,574**	**17,308**

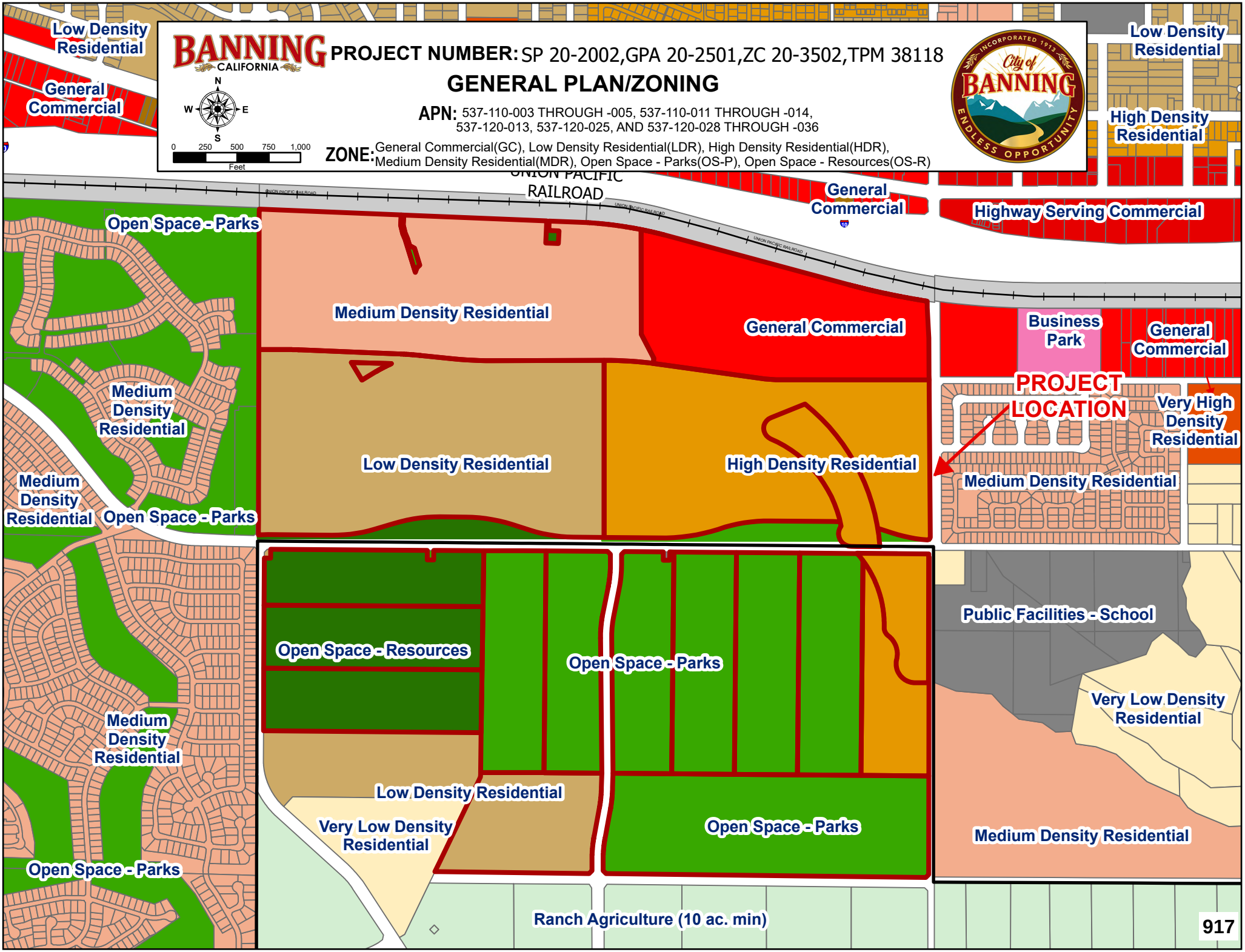
[1] TSF = Thousand Square Feet

If you have any questions, please contact me directly at cso@urbanxroads.com.


BANNING
CALIFORNIA
PROJECT NUMBER: SP 20-2002,GPA 20-2501,ZC 20-3502,TPM 38118
AERIAL BASE MAP
APN: 537-110-003 THROUGH -005, 537-110-011 THROUGH -014,
537-120-013, 537-120-025, AND 537-120-028 THROUGH -036
ZONE: General Commercial(GC), Low Density Residential(LDR), High Density Residential(HDR),
Medium Density Residential(MDR), Open Space - Parks(OS-P), Open Space - Resources(OS-R)
N
W
E
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0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
PROJECT LOCATION
UNION PACIFIC RAILROAD
RAMSEY ST
LINCOLN ST
WESTWARD AVE
BOBCAT RD
LAIRD ST
HILLTOP DR
SUNSET AVE
CHIPMUNK TRL
NONPAREIL AVE
EXCELSIOR AVE
VICTORY AVE
TURTLE DOVE LN
WENDY CT
ELLEN WAY
MARIAN WAY
DAWN WAY
APEX ST
APEX AVE
FIFTH ST
C ST
JACINTO VIEW RD
SUNRISE CT
WILLIAMS ST
SUNRISE AVE
COTTONWOOD RD
GENEVA ST
ROBERGE AVE
PARK AVE
MT VIEW AVE
HAYS ST
NORTHWOOD AVE
SANDPIPER ST
BROOKLAWN DR
ROLLING HILLS AVE
SKYVIEW CIR
SILVER LAKES AVE
MEADOW LAKE LN
SALEM CIR
RIVIERA AVE
SHOAL CREEK ST
SUN LAKES BLVD
OAKHURST AVE
TWIN HILLS DR
LINKS AVE
BIG SPRING DR
PINEHURST DR
TORREY PINES RD
COUNTRY CLUB DR
PALMER DR
BERMUDA DUNES AVE
HOGAN AVE
OAKLAND HILLS DR
OLYMPIC AVE
LONG COVE RD
GLENN ABBEY WAY
CASTLE PINES AVE
HILTON HEAD DR
SAVANNAH DR
BAY HILL RD
RODRIGUEZ AVE
ALLIN LN
BARBER CT
LAGUNA SECA CT
BOCA WEST AVE
TREVINO WAY
FAIRWAY OAKS AVE
SAINT CROIX WAY
SILVERADO AVE
HIGHLAND HOME RD
MISSION HILLS DR
CRENSHAW CIR
CRYSTAL DOWNS ST
WOODLANDS DR
SCIOTO CT
MASTERS DR
BIRDIE DR
SINGING HILLS DR
SHEEHAN CIR
RIO BRAVO DR
SOBOBA DR
SUNSHINE ST
MOHAWK RD
SPRING PL
WEATHER WAY
WOODLAND AVE
JEFFERSON ST
SUMMER SET CIR
AUTUMN WAY
DUSK CT
RAINBOW LN
23RD ST
22ND ST
County of San Bernardino, Maxar
914


BANNING
CALIFORNIA
PROJECT NUMBER: SP 20-2002,GPA 20-2501,ZC 20-3502,TPM 38118
DEVELOPMENT OPPORTUNITIES
APN: 537-110-003 THROUGH -005, 537-110-011 THROUGH -014,
537-120-013, 537-120-025, AND 537-120-028 THROUGH -036
ZONE: General Commercial(GC), Low Density Residential(LDR), High Density Residential(HDR),
Medium Density Residential(MDR), Open Space - Parks(OS-P), Open Space - Resources(OS-R)
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W
E
S
0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
PROJECT LOCATION
GEORGE ST
RAMSEY ST
LINCOLN ST
WESTWARD AVE
BOBCAT RD
NONPAREIL AVE
SUNSET AVE
SOBOBA DR
SUNSHINE ST
CHIPMUNK TRL
HIGHLAND HOME RD
HILL RD
BAY AVE
BERMUDA DUNES AVE
FOREST OAKS AVE
GLENN ABBEY WAY
KINGSMILL AVE
NAIRN AVE
SAINT
COUNTRY CLUB DR
PALMER DR
PINEHURST DR
RIVIERA AVE
SUN LAKES BLVD
TWIN HILLS DR
OAKHURST AVE
SALEM CIR
BIG SPRING DR
LINKS AVE
MEADOW LAKE LN
NORTHWOOD AVE
SANDPIPER ST
BROOKLAWN DR
ROLLING HILLS AVE
SKYVIEW CIR
OAKLAND HILLS DR
SOUTHERN HILLS DR
OLYMPIC AVE
HILTON HEAD DR
EAST LAKE CT
SAVANNAH DR
HOGAN AVE
ALLIN LN
HILLS DR
MOHAWK RD
JEFFERSON ST
SUMMER SET CIR
WHIRLWIND CIR
RAINBOW LN
NAVAJO DR
SPRING PL
AUTUMN WAY
BREEZY CIR
HAZY WAY
WEATHER WAY
WOODLAND AVE
GROVE ST
SUNRISE AVE
SUNRISE CT
22ND ST
MS ST
MT VIEW AVE
HAYS ST
SUNRISE AVE
23RD ST
EXCELSIOR AVE
TURTLE DOVE LN
JANAN CT
BEVERLY DR
CLAIR CT
LESLIE CT
LORI WAY
GRAND VIEW AVE
C ST
Legend
Banning Airport Influence Area
USGS Blue Line Streams
MSHCP Criteria Cells
CalFire Fire Hazard Severity Zones
FEMA 0.2% (500-Year) Annual Chance Flood Hazard Zone
FEMA 1% (100-Year) Annual Chance Flood Hazard Zone
California Geological Survey Liquefaction Hazard Zone
No California Department of Conservation Earthquake Fault Zones within 1.5 miles of the project location.
County of San Bernardino, Maxar
915


BANNING
CALIFORNIA
PROJECT NUMBER: SP 20-2002, GPA 20-2501, ZC 20-3502, TPM 38118
VICINITY MAP
APN: 537-110-003 THROUGH -005, 537-110-011 THROUGH -014,
537-120-013, 537-120-025, AND 537-120-028 THROUGH -036
ZONE: General Commercial(GC), Low Density Residential(LDR), High Density Residential(HDR),
Medium Density Residential(MDR), Open Space - Parks(OS-P), Open Space - Resources(OS-R)
N
W
E
S
0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
PROJECT LOCATION
Unincorporated Riverside County
EIGHTH ST
SIXTH ST
FIFTH ST
SECOND ST
FIRST ST
POTRERO BLVD
RAMSEY ST
JACINTO VIEW RD
NICOLET ST
WILLIAMS ST
HAYS ST
GEORGE ST
20TH ST
19TH ST
16TH ST
SUNSET AVE
LINCOLN ST
JEFFERSON ST
WESTWARD AVE
RAINBOW LN
NONPAREIL AVE
VICTORY AVE
HALE AVE
EXCELSIOR AVE
WOODLAND AVE
MONROE ST
23RD ST
22ND ST
LOVELL ST
SUN LAKES BLVD
BROOKLAWN DR
SALEM CIR
TWIN HILLS DR
PINEHURST DR
BERMUDA DUNES
PALMER DR
COUNTRY CLUB DR
PINE VALLEY RD
LAGUNA SECA CT
PAUMA VALLEY RD
HOGAN AVE
OLYMPIC AVE
BEL AIR CT
ALLIN LN
LAKE BUENA VISTA WAY
SALT CREEK
CROOKED CREEK
FOUR SEASONS CIR
HILL RD
BAY POINT CIR
CHIPMUNK TRL
BOBCAT RD
FAIRWAY OAKS AVE
HAIG AVE
RIVIERA
MYRTLE BEACH DR
MASTERS DR
BIRDIE DR
RIO BRAVO DR
BRECKENRIDGE AVE
COG HILL RD
SCARLETT RUNNER
STELLAR PEAK
LAIRD ST
HIGHLAND HOME RD
DEL RITA RD
DEATH VALLEY RD
ROADRUNNER TRL
HILLTOP DR
TURTLE DOVE LN
LONGHORN RD
HIGHLAND SPRINGS AVE
County of San Bernardino, Maxar
916


BANNING
CALIFORNIA
PROJECT NUMBER: SP 20-2002,GPA 20-2501,ZC 20-3502,TPM 38118
GENERAL PLAN/ZONING
APN: 537-110-003 THROUGH -005, 537-110-011 THROUGH -014,
537-120-013, 537-120-025, AND 537-120-028 THROUGH -036
ZONE: General Commercial(GC), Low Density Residential(LDR), High Density Residential(HDR),
Medium Density Residential(MDR), Open Space - Parks(OS-P), Open Space - Resources(OS-R)
N
W
E
S
0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
Low Density Residential
General Commercial
Low Density Residential
High Density Residential
UNION PACIFIC RAILROAD
General Commercial
Highway Serving Commercial
Open Space - Parks
Medium Density Residential
General Commercial
Business Park
General Commercial
PROJECT LOCATION
Very High Density Residential
Medium Density Residential
Low Density Residential
High Density Residential
Medium Density Residential
Medium Density Residential
Open Space - Parks
Open Space - Resources
Open Space - Parks
Public Facilities - School
Very Low Density Residential
Medium Density Residential
Low Density Residential
Very Low Density Residential
Open Space - Parks
Medium Density Residential
Open Space - Parks
Ranch Agriculture (10 ac. min)
917

CITY OF BANNING

NOTICE OF PUBLIC HEARING
BEFORE THE CITY COUNCIL

Specific Plan, SP 20-2002; General Plan Amendment, GPA 20-2501; Zone Change, ZC 20-3502; Tentative Parcel Map, TPM 38118; Development Agreement with NP Banning Industrial, LLC Sunset Crossroads Specific Plan Project; Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations

NOTICE IS HEREBY GIVEN that the City Council of the City of Banning, California, will hold a public hearing at a Special Meeting on January 28, 2026. The City Council meeting begins at 5:00 p.m., in the Council Chambers at City Hall, 99 East Ramsey Street, Banning, CA 92220. 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.

The purpose of this hearing is to consider applications by NP Banning Industrial, LLC (Applicant) for the Sunset Crossroads Specific Plan project. The project applications consist of the following:

- Specific Plan (SP 20-2002). Proposes to establish the Sunset Crossroads Specific Plan for the development of industrial and commercial uses on a 533.8-acre site, 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 (approximately 90,000 sf) on 47.9-acres; and up to 5,545,000 square feet of industrial uses (including up to 330,000 square feet of cold storage uses) on 392.0 acres. The Specific Plan text identifies the permitted land uses, development standards, design guidelines, and implementation provisions. The Specific Plan Area includes land located south of Interstate 10 between Highland Home Road and Sunset Avenue extending south to include land south of the City's current border (Assessor Parcel Numbers (APNs): 537-110-003 through -005, 537-110-011 through -014, 537-120-013, 537-120-025, and 537-120-028 through -036).
- General Plan Amendment and Zone Change for Specific Plan Area (GPA 20-2501 & ZC 20-3502). Proposes amending the General Plan land use designations and re-zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R), including pre-zoning for annexation of portions of the Specific Plan Area into the City of Banning.
- Development Agreement. The Development Agreement would grant the Project vested development rights in exchange for public benefits as specified in the agreement.
- Tentative Parcel Map (TPM 38118). A subdivision of the Specific Plan Area into thirty-four parcels and five lettered lots ranging in size from 1.0 acre to 78.7 acres in size, creating 19 Planning Areas consistent with the Specific Plan.

The Planning Commission reviewed the subject project at its meetings of September 10, 2025 and November 5, 2025. At the latter meeting, the Commission voted 3 to 2 to recommend denial of the applications to the City Council and ratified this decision on November 17, 2025 by adopting Resolution 2025-15.

ENVIRONMENTAL DETERMINATION: The Project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and an Environmental Impact Report has been prepared for the project, together with Findings of Fact and a Statement of Overriding Consideration (SOOC), Findings in support of the SOOC, and a Mitigation Monitoring and Reporting Program for the Project, to be considered by the Planning Commission. A Notice of Availability to review the draft Environmental Impact Report for the Sunset Crossroads Specific Plan EIR (SCH No. 2021020011) was published in December 2023, with the 45-day public review and comment period for the Project beginning on December 15, 2023, and ending on January 30, 2024, and a Final Environmental Impact Report was prepared. Information regarding the Project and the Final EIR 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://www.banningca.gov/762/Sunset-Crossroads-Specific-Plan

REVIEW OF PROJECT INFORMATION: The proposed application, site plan, and related documents are available for public review by contacting the Community Development Department during normal business hours (Monday – Friday, 8:00am to 5:00pm) by telephone at (951) 922-3125. Additional project information is also available on the City's website by visiting the following link: https://www.banningca.gov/762/Sunset-Crossroads-Specific-Plan

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing:

- You may provide oral comments at the in-person hearing. Agendas are available at least 72 hours in advance of the meeting online: https://banningca.granicus.com/ViewPublisher.php?view_id=1
- Written comments may be submitted to the City Council by email at CityClerks@banningca.gov or letter to the address below. Transmittal prior to the start of the meeting is required. Any correspondence received during or after the meeting will be distributed to the City Council as soon as practicable and retained for the official record.

City Clerk's Office
PO Box 998
99 E. Ramsey St
Banning, CA 92220

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing (Government Code Section 65009[b][2]).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at 951-822-3125. Notification 48 hours prior to the meeting Will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Banning y puede hablar con Sandra Calderon, teléfono (951) 922-3125.

BY ORDER OF THE PLANNING MANAGER OF THE CITY OF BANNING, CALIFORNIA.

Mark Staples — Dated: December 23, 2025
Community Development Director — Publish: January 2, 2026

Hepner & Myers LLP

Amy Freilich
(805) 702-3002
afreilich@HepnerMyers.com

January 23, 2026

By Email

City Council
City of Banning
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

Re: City Council Hearing on Sunset Crossroads Project ("Project") - January 28, 2026

To the Honorable Mayor and Members of the City Council:

We represent NP Banning Industrial, LLC ("NorthPoint"), the applicant for the Project, which is scheduled for your consideration at the City Council meeting on January 28. This matter comes before you after being considered by the Banning Planning Commission ("Commission") at its September 10, November 5, and November 17, 2025 meetings. At the November 5 meeting, the Commission voted 3-2, to have staff prepare findings recommending denial of the Project applications.

Although the matter was publicly noticed for the Commission meeting on November 5th for a public hearing and continued deliberation on the Project applications, the public hearing was not opened, and no comments from the members of the public in attendance or NorthPoint were allowed.

NorthPoint had been prepared to provide clarification of information presented at the September 10th meeting, and new information about changes to the Project (including a revised site plan attached here as Exhibit 1) and benefits for the City during the public hearing on November 5th that would have addressed the findings used as the basis for the denial vote.

As you know, **the City Council is tasked with applying its independent judgment to review the Project in the first instance, and is not bound in any manner by the Commission's findings or interpretation of the City's general plan**. Since the Applicant was not provided the opportunity to address the Commission's concerns and proposed findings at the Commission meeting on November 5th, we provide the following information for the Council's benefit detailing why the Commission's denial findings were incorrect, do not meet the required legal standards, and the Project is in fact consistent with the General Plan.[1]

1. *The Commission's Environmental Determination Findings concluded without evidence or analysis that the Overriding Considerations do not outweigh the Project's potential significant unavoidable impacts.*

    - ✓ The Commission's findings under the California Environmental Quality Act (CEQA) were required to be supported by substantial evidence or to provide an explanation linking the finding to evidence in the record, but did neither.

    - ✓ Commissioners Marshall and Rodriguez, who both voted in favor of recommending approval of the Project, spoke of significant benefits the Project would bring the City of Banning.

    - ✓ The 3 significant unavoidable impacts of the Project - air quality, greenhouse gas emissions ("GHG"), and vehicle miles traveled ("VMT") - are all regional impacts, and would be significant, unavoidable impacts for any proposed development of this size in this location, regardless of what land uses would be proposed. There are no localized significant unavoidable impacts for this Project.

    - ✓ The Commission's conclusion that the Project benefits do not outweigh the significant unavoidable impacts of the Project is legally insufficient because it does not explain why the Project benefits, which include 12.6 acres of public parks, accelerated payment of $5.1 million for the construction of Sun Lakes Boulevard, construction of general plan roadways at no cost to the City, nearly 4,000 local jobs for Banning residents, land and $16 million toward the potential future development of a fire station, $1 million annually for a special facilities tax, a $7.2 million public benefit fee, $10 million toward the Banning Electric substation cost, $750,000 to be used for Banning downtown beautification or small business assistance for small businesses located in Banning, and 13 acres for public facilities, fail to outweigh the few significant unavoidable Project impacts and fails to show the analytic route between the conclusion and the evidence that would support it. These public benefits also are summarized in the conclusion of this letter.

2. *The Commission improperly found that the proposed amendment is inconsistent with the General Plan because it did not give equal status to all general plan elements, key objectives and policies as required by law, and impermissibly elevated residential land use over other land use policies and goals.*

    - ✓ The Commission's Finding that the Project conflicts with the Vision Statement that calls for respecting the character of existing residential neighborhoods is not consistent with Policy 1 requiring the City to maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands, and Program 1.A. which mandates the City to annually monitor capacity for land use categories and recommend changes to the City Council. Since adoption of the 2006 General Plan, residential development has outpaced commercial and industrial

development resulting in an unfavorable jobs-housing ratio, and creating a current need for more industrial and commercial development than contemplated in the 2006 General Plan relied on in the Finding. The Finding is also not supported by facts as set forth below.

- ✓ The Commission's Finding that the Project conflicts with Land Use Residential Goal 1 and Policy 2 to preserve City neighborhoods and carefully review projects adjacent to existing neighborhoods to assure neighborhood character is protected is based on inaccurate statements and is incorrect for the following reasons:

  i. Residential Policy 2 does not prohibit non-residential uses adjacent to existing residential neighborhoods.

  ii. The residential/commercial development of the site urged by the Commission - or any large scale development of the site - would still result in 1,164 daily truck trips, and 20,880 total daily vehicle trips which exceeds the 17,852 total daily trips for the modified Project by 3,028, and comparable air quality, GHG and noise impacts as the modified Project.

  iii. The EIR analyzed and did not identify any significant localized air quality impacts, health risk, noise, transportation or GHG impacts from Project truck and auto traffic along Sunset Avenue or other streets adjoining residential use, which were asserted as the basis for the Finding.

  iv. The EIR found no significant visual impacts. The buildings are spread over 530 acres. Since the EIR analysis was completed, the site plan has been revised to provide further significant setbacks from and buffering of nearby residential development - with park, open space, extensive landscaping setbacks, walls and fencing - shielding the Project from nearby residential areas, and eliminating industrial uses in Planning Area 2 (see revised site plan attached at Exhibit 1). The findings do not address why the EIR's conclusions of no impact and these changes do not address the Commission's concern about visual impacts.

  v. The only 3 unmitigated significant impacts identified in the EIR from Project operations are regional air quality emissions (and concomitant lack of AQMP compliance) and GHG emissions (which are measured regionally and statewide), both of which would occur whether the Project was located in Banning or Beaumont or anywhere else in the SCAG/South Coast Air Basin region, and VMT impacts, which are also regional in nature and cannot be mitigated until specific Project users are identified.

  vi. Operational noise impacts associated with vehicles on Sunset Avenue (disclosed in the EIR) were addressed and fully mitigated by the relocation of Sunset Avenue 42 feet to the west. The only significant noise impact is

from roadway construction along Sunset Avenue and can and will be mitigated to less than significant with the City's consent.

- ✓ The Commission's Finding that the Project conflicts with the Industrial Goal of a balanced mix of non-polluting land uses which provide local jobs is incorrect because the industrial uses proposed are not polluting industries, non-mobile impacts are not a significant source of pollution, and the Project would provide a significant number of local jobs for City residents, 86.1% of whom currently leave the City to commute to their jobs.

- ✓ The Commission's Finding that the Project conflicts with Commercial and Industrial Policy 7, which mandates that the land use map **shall** include sufficient industrial lands while carefully considering adjacent lands, is based solely on the unsupported conclusion that the Project is incompatible with adjacent residential neighborhoods. It thus is incorrect because it fails to focus on the **mandatory** requirement that there be sufficient land for industrial uses, including warehousing and distribution, and elevates consideration of adjacent lands as the sole basis for determining general plan consistency. This policy does not prohibit industrial uses adjacent to existing residential neighborhoods; it only specifies that adjacent land uses be considered. In addition, industrial acreage specified in 2006 is currently insufficient for industrial and commercial land uses, and concerns about visual and noise impacts are directly contradicted by the EIR's analysis.

- ✓ The Commission's Finding that the Project conflicts with Commercial and Industrial Policy 8 that industrial land shall be located on major roadways with good access to I-10 to minimize potential traffic impacts from trucks is incorrect because Sunset Avenue was designated as an arterial/secondary highway in the 2013 General Plan Circulation Element and the general plan indicates that arterial/secondary highways are appropriate for truck traffic. Also, the EIR traffic study shows more than sufficient capacity on Sunset Avenue for Project truck and City projected background growth traffic increases, and Caltrans' design criteria used for rebuilding of the I-10/Sunset Avenue interchange and ramps in 2016 and for development of the 22nd street ramp ensure accommodation of all vehicles, including Project trucks.

- ✓ The Commission's Finding that the Project does not meet General Plan Circulation Element Policy 6 requirement to maintain LOS D or better on all local intersections is incorrect. The Finding relies on the Draft EIR. As made clear in the Final EIR, Section 4.0, Draft EIR Text Revisions at page 4-85 and 4-86, the LOS D standard set forth in the General Plan is met.

- ✓ The Commission's Finding that the Project does not comply with General Plan Circulation Element Programs 14.A. and 14.B. requiring new development to pay its fair share of bridges constructed to serve the Project, ignores that fair share

payments are required by the EIR and conditions of approval and will be determined by the City, that the Development Agreement requires NorthPoint to build the Sunset Avenue Bridge if it is not built by the Rancho San Gorgonio developer prior to the time it is required for the Project, and that the bridge is analyzed as a cumulative impact in the Project EIR (See DEIR at page 6-16.)

- ✓ The Commission's Finding that the Project does not comply with General Plan Circulation Element Program 28.A. requiring the City to develop a non-motorized trail system, is based on non-compliance with the 2010 Parks & Recreation Master Plan which identifies an equestrian trail and urban trail loop on the Project site. This Finding is incorrect because Parks & Recreation Element Policy 1 requires updating the Master Plan including updated assessment of immediate and future community needs for parks planning and the 2010 Master Plan is outdated, and the Master Plan's proposed trail is based on future development of Smith Creek Ranch Park which has not occurred.

3. *The Commission's Finding incorrectly concluded that the proposed amendment would be detrimental to the public interest, health, safety convenience or welfare, and is contradicted by facts in the record as follows:*

   - ✓ The reasons cited - increases in air quality, GHG emissions and noise from 1,850 truck trips on Sunset Avenue and commercial trucks using roads not designated for truck use in Resolution 2005-091 - do not support the Finding because operational noise impacts are less than significant, and there are no local air quality or health related impacts from truck trips so there is no direct impact from trucks on Sunset Avenue to adjacent residences.

   - ✓ Air quality and GHG impacts are regional not local and would be comparable to the Commission's preferred residential/commercial development of the Project site which would include 1,164 daily truck trips, 20,880 total daily vehicle trips, and would result in comparable significant, unavoidable air quality and GHG impacts,[2] as would any project located on the Project site because of its size.

   - ✓ The truck route resolution is not a basis for a finding of detrimental Project impacts because the General Plan designates Sunset Avenue as an arterial/secondary highway making it appropriate for truck traffic. Also, the California Vehicle Code prohibits local ordinances from restricting commercial vehicles from using a street not designated as a truck route for pickup and delivery if the vehicle takes a direct route between the unrestricted street (truck route) and the destination on the restricted street for a legitimate purpose. Accordingly, the Vehicle Code would prohibit the City from restricting truck access along the Sun Lakes Boulevard Extension and the portion of Sunset Avenue between Sun Lakes Boulevard and the I-10, which are the most direct routes from the Project site to I-10.

- ✓ The Finding failed to consider the extensive public benefits the Project provides to the City as discussed above and in the conclusion. These Project benefits are in the public interest, contribute to public safety and the welfare of the City, and support a Finding that these criteria are met.

4. *The Commission's Finding incorrectly determined that the proposed amendment would not maintain the appropriate balance of land uses within the City relying only on statements that the Project represents a 40% increase in the 2006 General Plan designation of 940 acres for industrial uses, and alters the distribution and variety of housing densities by consolidating a variety of densities that are currently planned into a smaller site with much higher density.*

    - ✓ The Finding is based on the outdated 2006 General Plan designation of 940 total acres in the City for industrial uses (III-18) which only includes 688 acres of vacant land and failed to apply General Plan Land Use and Economic Development Element policies and programs that mandate the City to maintain a balance of residential, commercial and industrial lands, annually monitor the remaining capacity of all general plan land use categories to assure that a variety of economic development opportunities are available and recommend changes to the City Council as needed.

    - ✓ While the Housing Element has been updated since the 2006 General Plan, the Commercial/Industrial Land Use Element has not, with the net result that the City remains housing rich but jobs poor with a jobs-housing ratio of 0.86.

    - ✓ The Finding that the Project would alter the distribution and diversity of planned residential uses by moving 1,146 residential units of various types to a high density development in a smaller area does not disrupt anticipated and desired residential density ranges in the City but rather implements the 2024 Housing Element mandate to create very high density zoning with a range of 24-30 du/acre to facilitate RHNA required increases in multifamily, high density residential sites.

5. *The Commission's Finding that the Project site parcels are not physically suitable (including but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s) is based on conflicts with unspecified general plan provisions, the volume of truck traffic near existing and future residential neighborhoods and unsuitability of the I-10/Sunset Avenue interchange for increased volume of truck traffic, all of which are not supported by the record.*

    - ✓ The failure to identify general plan provisions and City policies and programs with which the Project conflicts, renders this finding legally insufficient because it is vague and unsupported by any evidence. See *Sequoyah Hills Homeowners Ass'n v*

City of Oakland (1993) 23 Cal.App.4th 704, 717, 719; see also *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App,4th 91, 99-100.

- ✓ The Project is sufficiently compatible with adjacent residential neighborhoods based on volume of truck traffic passing by and use of Sunset Avenue, as discussed above.

- ✓ Caltrans designed the I-10/Sunset Avenue interchange sufficiently to safely accommodate Project truck traffic as discussed above.

- ✓ No findings were made regarding site access, provision of utilities, and absence of physical constraints to develop the Project site, but these considerations were addressed in the Draft EIR including in sections 3.2.3, 3.3.1, 3.5.3.2-3.5.3.4 and in the Specific Plan, and these criteria are met.

6. *The Commission's conclusion that required Findings for the proposed Zone Change cannot be made because it is not consistent with the 2006 General Plan and the Commission recommendation to reject EIR certification based on significant and unavoidable impacts to air quality, increases in noise, and GHG emissions are not based on record facts and did not follow CEQA's requirements.*

   - ✓ The zone change is consistent with the proposed general plan amendment. As stated above, the proposed general plan amendment is consistent with the 2006 General Plan, and the Commission's findings to the contrary are not consistent with applicable law or the policies and programs of the General Plan.

   - ✓ Contrary to the Finding, operational noise impacts, including traffic and on-site generated noise are mitigated to less than significant as are construction noise impacts other than roadway construction noise that can be mitigated to less than significant with the City's consent, local air quality and health risk impacts are less than significant, and regional air quality and GHG emissions are significant but are comparable to the Commission's preferred residential/commercial project which would also have significant impacts for these criteria, and would be the same if the Project were developed in adjacent communities or elsewhere in the South Coast Air Basin.

   - ✓ Contrary to CEQA's requirements, the Finding did not consider and weigh the Project's numerous benefits, and its recommendation is not supported.

7. *The Commission's conclusion that required Findings for the proposed Specific Plan cannot be made is based solely on the incorrect finding that it is not consistent with the 2006 General Plan.*

- ✓ The Specific Plan is consistent with the proposed general plan amendment. The proposed general plan amendment is consistent with the 2006 General Plan, as stated above, and a finding of consistency is properly made.

8. *The Commission's conclusion that required Findings for the Tentative Parcel Map and Development Agreement cannot be made are based solely on the incorrect finding that they are not consistent with the 2006 General Plan and the Project site is not suited for the proposed development.*

    - ✓ The Tentative Parcel Map and Development Agreement are consistent with the proposed general plan amendment. The proposed general plan amendment is consistent with the 2006 General Plan, as stated above, and findings of consistency can properly be made.

Conclusion. The Commission's findings did not achieve the required balancing of General Plan policies, as legally required, and had numerous factual and procedural errors. Because of that and as required under law, the Council must consider the Project anew. There is precedence for City Council action overturning Commission entitlement recommendations of denial under similar circumstances.[3] In deciding consistency, the law does not require satisfaction of every General Plan policy, as no project could. Variations from the details of the General Plan are allowed for a project when required to balance the various elements of the General Plan to ensure the project is compatible with the objectives, policies, and general land uses. As indicated here, in the EIR and elsewhere in the record, applying these requirements, the Project is consistent with the City's General Plan.

As policy makers for the City, we urge you to consider the Project's many benefits, which provide ample basis to make the required findings in support of the Project, in determining whether to allow the Project to proceed. These Project Benefits would be transformative to the City and include:

- **$7.2 million** Public Benefit Fee, which the City can use for any purpose;
- **$15 million** toward the potential future development of a fire station by the City, and **$1 million** to provide equipment for this station;
- **$10 million** for construction of a Banning Electric Substation;
- Accelerated payment of **$5.1 million** in DIF Transportation funds, to be used to assist in the Sun Lakes Blvd. extension funding;
- NorthPoint will construct and dedicate roadways surrounding the Project site to meet General Plan Circulation Element buildout requirements;

- NorthPoint is obligated to complete construction of a minimum of 100,000 square feet of commercial uses, or pay penalties of $500,000 every 6 months until these commercial uses are completed;

- NorthPoint is obligated to construct two 100,000 square feet or larger retail commercial buildings, for single tenants;

- The Project is estimated to generate approximately 3,300 construction jobs and over 3,500 permanent jobs and Project tenants are obligated to notify the City when each tenant intends to commence its operations, to facilitate employment opportunities for City residents;

- NorthPoint will, at no cost to the City, dedicate approximately 52.8 acres as Open Space Resource land, and approximately 13 additional acres of land for various public facilities that may be developed by the City, including an electrical substation, water tank, reverse osmosis facility and fire station;

- NorthPoint is to design, construct and maintain a 5-acre park, at no cost to the City;

- NorthPoint is required to pay a Special Tax of **$0.20/SF** for all industrial building square footage in perpetuity, subject to mandatory annual increases; and

- According to the Project Fiscal Impacts Analysis, the Project is estimated to generate **an annual surplus to the City of $2,945,779** and **$69,665,291** in City DIF, MSHCP, TUMF and Banning Unified School District fees.

NorthPoint's track record is one of working cooperatively with cities to deliver economic growth and jobs aligned with compatible development. This Project meets those standards—delivering growth and imparting limited local environmental impacts while buffering residential communities. With your additional detailed input, NorthPoint is confident that it can and will deliver a project that addresses any remaining concerns as well as the critical economic, job creation and fiscal needs of the City.

Very truly yours,

Amy Freilich

Amy E. Freilich

cc: Mr. Art Vela
John Pinkney, Esq.
Mr. Mark Staples

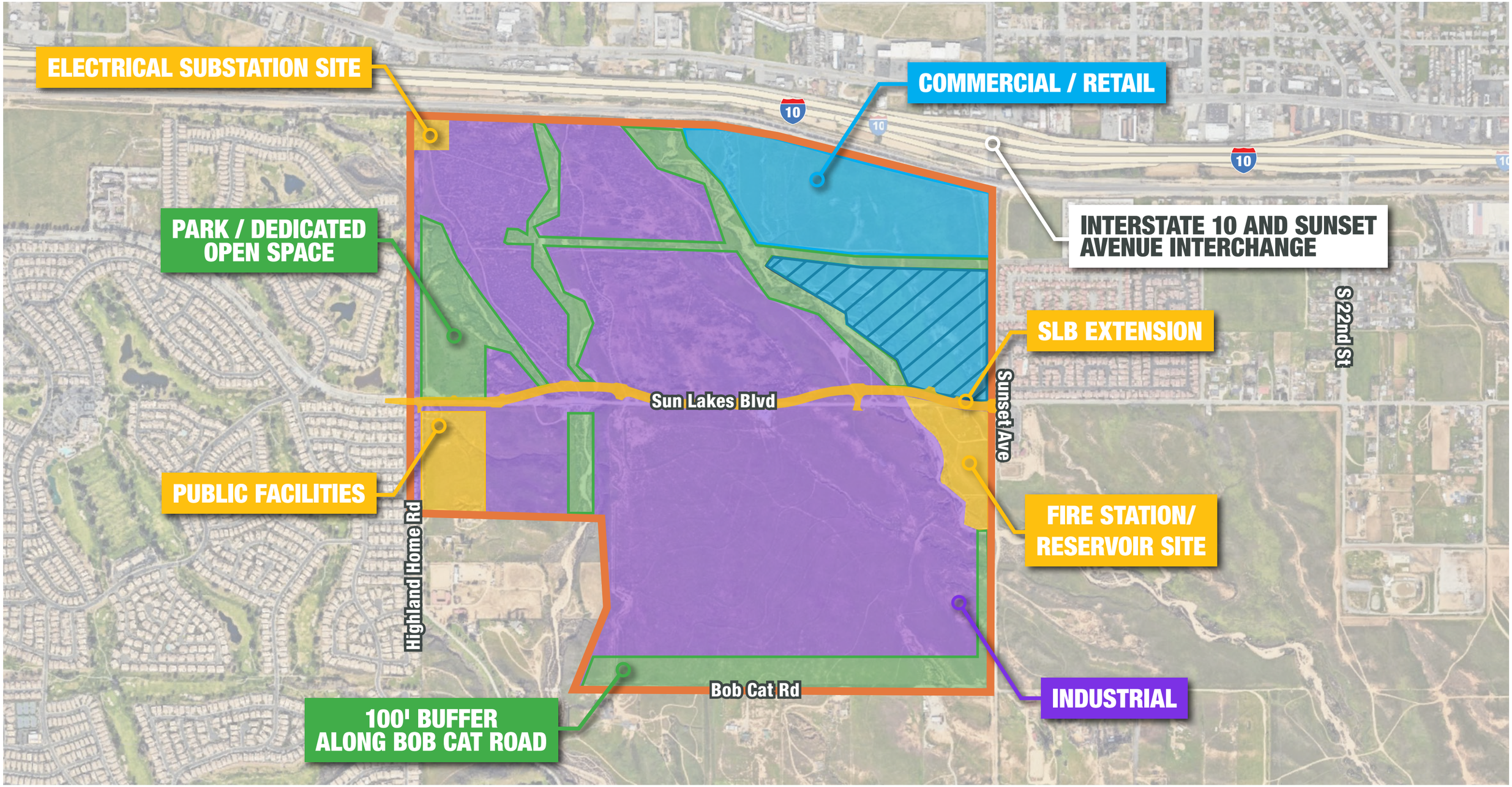
[1] Findings must be supported by substantial evidence and a reasonable person must be able to reach the same conclusion based on the evidence before it. As indicated in this letter, that standard is not met. In addition, the Commission was required to, but did not, consider the key objectives and policies of the entire General Plan in making the inconsistency determinations, and the process was not procedurally fair. *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App,4th 91, 99-100; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782; *San Franciscans Upholding the Downtown Plan v City & County of San Francisco* (2002) 102 CA4th 656, 678; *Sequoyah Hills Homeowners Ass'n v City of Oakland* (1993) 23 Cal.App.4th 704, 717, 719.

[2] In addition to significant truck trips, a residential/commercial uses project evaluated as Alternative 2 in the EIR, would still result in comparable significant and unavoidable air quality, GHG and construction noise emissions as the modified Project.

[3] In Resolution 2020-118, the City Council overruled the Commission's denial of a General Plan Amendment and concluded that with adoption of an amendment to the General Plan land use designation, the project should be viewed for consistency with the general plan standards applicable to the new designation, and found internal General Plan consistency requirements were met. See also Mun. Code Section 17.04.060.

SUNSET CROSSROADS

SITEPLAN



Zoned for Industrial but Industrial use prohibited; available for future commercial use

From: Allen Mackey
To: cityclerks
Subject: Re: Sunset crossroads
Date: Tuesday, November 18, 2025 2:26:56 PM

My e-mail is allenmackey@verizon.net
Sent from my iPhone

> On Nov 18, 2025, at 2:04 PM, Allen Mackey <allenmackey@icloud.com> wrote:
>
> I support SunsetCrossroads because it will make a better Banning and comely in appearance. Banning is not the most beautiful city in the world but this project will help Banning look better. Also, we need that Sun Lakes Blvd extension all the way to Sunset. We got to have another way in and out to the shopping areas off of 2nd street in Beaumont. Thank you very much!

From:	Judy Algea
To:	cityclerks
Subject:	Requests for Approval of The Crossroads Project
Date:	Thursday, January 22, 2026 8:46:45 AM
Attachments:	Crossroads Project for Approval.PDF

Good Morning, I am writing on behalf of Banning Citizens that would like to have this project approved.
The City of Banning has stayed stagnant for way too long due to decisions made by mostly residents of Sun Lakes that have been on our City Council far to long and do not do business here, shop or bank here because there is no shopping or banking or any stores here except for primarily smoke shops, liquor stores, Dollar stores and a few fast food places. Most of the projects that would benefit Banning have been turned down or terminated because of a few standing in the way of progress, like the 5 bridges project, Walmart Project and many others.
It is time to let our City grow and prosper so our residents can have development and new infrastructure as well as new opportunities and shopping in our community.
If they are worried about a truck stop, what is the problem? They come off the off ramp to get fuel and go right back on the freeway where there are alot of trucks anyway.
We need medical offices, Professional offices, education ect...and recreation for our youth because there has been nothing new built here in many years.
This will bring in more new stores, jobs, revenue, infrastructure, shopping and our banking back in.
Banning residents have to go to Beaumont for everything now that has turned into a mess for the transportation issue causing traffic jams and road pile ups. Plus Beaumont is getting all the revenue not Banning.
So if this finds people disturbed think about the rest of us that live in Banning and have to constantly fight the traffic on Highland Springs. It is getting unbearable.
Banning needs to say yes to this project and let our community grow for our sake and the sake of our children. Do not let them keep undermining this City and community. WE VOTE YES.
THANK YOU FOR YOUR TIME AND ATTENTION TO THIS MATTER:)
--
Thanks so much,

Algea Real Estate
Judy AlgeaOwner/Broker

Lice # 01366805

42850 Hill Top Dr.
Banning, CA 92220

Phone (909)-841-2289

Email: jalgea@gmail.com

From: Pamela Hardy Alpert
To: cityclerks
Subject: Sunset-Crossroads FEIR & Specific Plan
Date: Monday, January 5, 2026 10:42:25 PM

Dear Honorable Mayor & Councilmembers,

We support the Sunset-Crossroads Specific Plan and the variety of new retail, medical office, recreation and commercial opportunities. However our support is based primarily on the extension of Sun Lakes Blvd to ultimately connect with the Sunset I10 access in order to provide a much needed relief from the continual traffic bottleneck on Highlands Springs at I10 on/off ramps and to the local medical offices and hospital. We assume the development agreement may authorize phased construction of the new boulevard but we feel it is now needed given the existing (F) level of service on Highlands Springs. We hope the Council is working closely with the City of Beaumont, Caltrans and railroad to make curb changes and signal modifications to permit a double left turn to I10 westbound which would help traffic flow. In fact we would expect some traffic impact fees be obtained for this purpose perhaps through an assessment district established by the developers in order to participate in the funding for the underpass improvements as well as the Sun Lakes Blvd completion.

Additionally we ask that no commercial or industrial uses be permitted adjacent to Sun Lakes community, 3,500 homes for senior citizens in order to be compatible with the existing land use patterns. We are relieved that the proposed trucking facility next to The Lakes Assisted Care facility on Sunset Blvd is not active and hope for comparability sake of our senior citizens that it is never resubmitted again.

Thank you for the opportunity to comment on the project albeit it we were unaware of the DEIR consideration.

Sincerely,
Pamela Hardy Alpert c/o
Melinda Hardy
5001 Rio Bravo Drive
Banning, Ca. 92220

Pamela Hardy Alpert

(925) 570-1210 mobile

From: SUSAN MCKENZIE
To: cityclerks
Subject: Sunset Crossroads
Date: Saturday, January 17, 2026 7:21:15 AM

I would like to express my support for supporting the Sunset Crossroads project. I've been in the City Of Banning for 4 1/2 years and there is very little shopping that is available in the city. I understand that the city is struggling with revenue. I think this would help with the cities financial short falls and would also give a place for the cities residents, to have a place to dine and shop. I currently at shop primarily in Beaumont because there is so little Banning. I also support this project because of the jobs that it will create for the residents.

Sent from my iPad

From: Anna Cortese
To: cityclerks
Subject: Sunset crossing changes
Date: Tuesday, January 13, 2026 5:51:27 PM

I am a resident of Serrano del Vista Senior community. This highly affects me. I am not happy about the changes that may happen. I submit a Big No!

Anna Cortese 591 Autumn Way

From: Barbara Jesus
To: Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller; cityclerks
Subject: Not again-More Warehouses!Sunset Crossroads Project
Date: Tuesday, January 13, 2026 11:21:32 AM
Importance: High

I think our community has made this clear time and time again. NO WAREHOUSE TRAFFIC ON SLBLVD.

Barbara DelGatto-Jesus
909-915-4320

From: Betty Ann Finigan
To: cityclerks
Subject: Sunset crossroads
Date: Tuesday, January 20, 2026 2:13:22 PM

I am opposed to this project in that location.
Betty Ann Finigan
4980 Rolling Hills Ave, Banning, CA 92220

From:	Bill Jenkins
To:	Cynthia Barrington; Colleen Wallace; cityclerks; Leroy Miller; Richard Royce; Sheri Flynn
Subject:	Subject: Sunset Crossroads Project
Date:	Friday, January 16, 2026 12:08:51 PM

Dear Banning City Council, I have been the structural engineer of record on projects similar to the subject project. Locating a project with a five and one half million square foot industrial/distribution center and a refueling center adjacent to a high-density retirement community is an example of flawed planning. Vote NO on this project. Sincerely, William C. Jenkins, PE, 2448 Wailea Beach Drive, Banning, CA 92220

From:	Tim Goodson
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Cc:	Audrey Faucetta; Janice McGill
Subject:	Challenge to Sunset Crossroads Project
Date:	Tuesday, January 20, 2026 10:26:26 AM

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.

My issues are the project location adjacent to our senior community, the 18 wheel truck traffic the project will generate, and especially the very-high density housing included in this project.

Personally, since the project would have multiple and very serious negative consequences for our senior community and the surrounding residential community as a whole, and since there seems to be so many other more appropriate locations within the boundaries of the City of Banning, we do not understand the City's decision to even consider such a proposed project.

Please think of your obligation to your constituents and vote "NO" on January 28, 2026.

Thank you,

Braden Bowman, Serrano del Vista Architectural Committee Chair
2690 Rainbow Lane
Banning, CA 92220
(951) 846-3080

From: Candace Parrish
To: cityclerks
Subject: Traffic between Sun Lakes and Vista del Sol - Warehouse Project
Date: Wednesday, January 14, 2026 7:38:17 AM

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets.

Sincerely,

Candace Parrish
840 Miller Rd.
Banning, CA 92220

From: carollinca@aol.com
To: cityclerks
Subject: Sunset Crossing Project and any Zoning Changes Related
Date: Tuesday, January 13, 2026 12:37:26 PM

Dear City of Banning,

This is my objection to the Sunset Crossroads Project and all the zoning changes requested including the Very High Density Housing.
The issues are the project locations in my neighborhood and the truck traffic on my streets.

Sincerely,

Carol Shearman
2820 Rainbow Lane
Banning, CA 92220

From:	Connie Van Pelt
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Subject:	Sunset Crossroads & Utility Billing
Date:	Tuesday, January 13, 2026 2:58:47 PM

City of Banning, RRoyce, SFlynn, CBarrington, CWallace, and LMiller,

This is my challenge to the Sunset Crossroads Project and all the zoning changes ***already*** denied by the Planning Commission.
The issues are the project locations in my neighborhood and the truck traffic on my streets. Maybe rooftops would be a better choice...
And you should start with figuring out the utility billing... what a *continuing* mess. It's embarrassing.

Connie Van Pelt & Eric Weisbrod
600 Autumn Way, Banning 92220

From:	Dennis Field
To:	cityclerks
Subject:	Sunset Crossroads
Date:	Wednesday, January 14, 2026 11:59:55 PM

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets.

Sincerely,

Dennis Field
417 Brooklawn Dr
Banning ca 92220

Smile and have a great day.

Sent from my Samsung Galaxy S23 ultra

From:	Diane Stone
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Subject:	Sunset Crossroads Project
Date:	Wednesday, January 14, 2026 3:28:19 PM

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets.
Please vote "NO" on this project.

Sincerely,
Diane Stone
5395 Breckenridge Avenue
Banning, CA 92220

From:	diane sweeney
To:	cityclerks; Colleen Wallace; Richard Royce; Sheri Flynn; Cynthia Barrington; Leroy Miller
Subject:	City of Banning Sunset Crossroads Project
Date:	Wednesday, January 14, 2026 4:38:09 PM

City of Banning,

NO to the Sunset Crossroads Project!!

There are problems of the project location and truck traffic and noise on these Banning city streets.

Banning resident - Diane Sweeney
5821 Indian Canyon Drive
Banning, CA 92220

From: dominic12@twc.com
To: cityclerks
Subject: Sunset Crossroads Project
Date: Wednesday, January 14, 2026 2:51:05 PM

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets.
Warehouses do not belong here. We respectively and strongly urge you to deny this project.

Sincerely,

Dominic & MarySue Caron
5144 Rio Bravo Drive
Banning, CA., 92220

From: Elizabeth B
To: cityclerks
Subject: Re: Sunset Crossroads Project - comments on plan
Date: Tuesday, January 20, 2026 5:10:36 PM

I reconfirm my vehement objection to this project. No more warehouses, light industrial, heavy industrial or the link near/adjacent to residential neighborhoods.

This is not a well thought out strategic, long term growth strategy for Banning. It will not turn our city into a bright, vibrant, desirable community people will want to live in and businesses want to invest in. It's the worst kind of short-term city planning possible.

No on Sunset Crossroads.

On Tuesday, October 28, 2025 at 03:55:16 PM PDT, Elizabeth B <eb3210@aol.com> wrote:

> I see that this proposal is scheduled for review again by the city council. I once again express my concerns and opposition to this project moving forward at all. It is not appropriate for a residential area. It is not appropriate for the roads and quality of life. It belongs out on the industrial side of town. Please see the below email submitted to the Banning City Council via email to you for fuller description of my strong opposition to Sunset Crossroads or a cut through from Sun Lakes Blvd to Sunset.
>
> On Friday, September 5, 2025 at 02:14:53 PM PDT, Elizabeth B <eb3210@aol.com> wrote:
>
> > Reference: https://www.banningca.gov/762/Sunset-Crossroads-Specific-Plan
> >
> > To the City Council
> >
> > I am registering my opposition to this project in its entirety. The neighborhood is residential and is not designed to handle freeway cut-through for large trucks and cars when the freeway is full, and as a cut-through to the Beaumont stores from the other side of Banning, both are levels of traffic that cannot be accommodated.
> >
> > In addition, there are dozens of empty warehouses in the county, including in Banning. They become a blight from lack of use, a haven for the homeless, and a target for criminal activity. In other words, unless other warehouses up and down the I-10 corridor are leased out, there should be zero building of additional warehouses, especially not up to 10 and 5.5 million square feet of empty warehouses. Warehouses that bring very large trucks that will impact not only the quality of life, but the quality of the roads. Warehouses DO NOT BELONG in or near residential neighborhoods. Go build them on the industrial side of Banning if you're firm in conviction that Banning needs them and will benefit from them. Semi tractor-trailers DO NOT BELONG in a residential neighborhood

outside a moving van bringing household goods to or from a residence.

A medical office would be appropriate, and serve the need of the south side of the I-10, only if it's daytime use and not a huge building. Any hotel can be located and should be located closer to downtown.

Speaking of downtown - I agree, Banning needs to draw in more business and tax revenue. Drive down Ramsey and see all the opportunity there, if you just embraced cleaning up and enhancing existing infrastructure and buildings, providing tax incentives to draw better businesses downtown and beyond. Warehouses Will Not bring the revenue you seem to believe they will. If they did, you'd have all the empty warehouses in Banning and beyond full, and they are empty. I invite you to go to Livermore CA. They city faced the same dilemma and rather than put in more industrial junk, they went a different route and the city has bloomed ever since. It's become a city to be proud to live in. Isn't that what you want for Banning? To become a city that people want to move to and live in? Warehouses will not do that. Semis through neighborhoods will not do that. Fixing eyesores & blight, focus on reducing crime and homelessness,, enticing other businesses like restaurants and shops will.

I do not support this misguided attempt to force in the exact opposite of what Banning needs to thrive.

-Elizabeth Baumach
Banning CA
92220

From:	Elsie Nunez
To:	cityclerks; SFlynn@banning.gov; CBsrrington@banningca.gov; CWallace@banning.gov; Leroy Miller; Richard Royce
Subject:	No on project on Sunset
Date:	Friday, January 23, 2026 11:07:54 AM

Shame on you … We challenge all of you .
Sent from my iPhone

From:	Esther Wynter
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; CWaHace@banningca.gov; Leroy Miller
Subject:	Sunset Crossroad Project
Date:	Tuesday, January 20, 2026 11:05:56 AM

Dear City of Banning Planning Department and City Officials,

My name is Esther Wynter, and I am a homeowner and long-term resident of 3062 Rainbow Lane, Banning, California. I am writing to formally express my concerns and opposition regarding the proposed Sunset Crossroads project.

While I understand the City's interest in economic development, I am deeply concerned about the location, scale, and intensity of this project and the significant negative impacts it would have on my neighborhood and the surrounding residential community.

First, the placement of this project within proximity to established residential neighborhoods is troubling. Our area is primarily a quiet, family-oriented neighborhood, and the proposed development is fundamentally incompatible with the existing character of the community.

Second, the anticipated 18-wheel truck traffic is excessive and unacceptable for local residential streets. The estimated 1,850 truck trips per day along Sunset Avenue raise serious concerns regarding:

- Public safety for residents, children, pedestrians, and cyclists
- Traffic congestion and roadway deterioration
- Noise pollution, air quality degradation, and vibration impacts
- Reduced quality of life and potential decline in property values

Our neighborhood streets were not designed to accommodate this level of heavy industrial truck traffic.

Third, the high-density housing component further intensifies the strain on local infrastructure, including roads, emergency services, schools, and utilities. The cumulative impacts of up to ten warehouses alongside dense residential development have not, in my opinion, been adequately addressed or mitigated.

I respectfully request that the City:

- Reconsider the scope, scale, and location of the Sunset Crossroads project
- Provide meaningful opportunities for community input and transparency

- Explore alternative locations more appropriate for heavy industrial and logistics use
- Prioritize the health, safety, and quality of life of existing residents

I do not support a project that would effectively turn our residential neighborhood into a major industrial truck corridor. I urge the City of Banning to take resident concerns seriously and to ensure that development decisions are balanced, responsible, and community-focused.

Thank you for your time and consideration. I respectfully request that this correspondence be included in the public record for the Sunset Crossroads project.

Esther L. Wynter, President

Wynter Accounting Services, Inc.
hearthproperties@cs.com
(310) 850-0891 phone
(310) 872-3992 Fax

From: Gerald Shearman
To: cityclerks
Subject: Banning City Projects
Date: Monday, January 19, 2026 10:54:00 AM

I wish to strongly oppose the building of either very high density housing , warehouses , or truck stops around my residential neighborhood . The city of Banning has numerous other more appropriate locations for such construction . Please register my opposition to your planning commission and city council members .

Gerald Shearman
a long time resident

From: jamie taylor
To: cityclerks
Subject: Sunset crossing vote
Date: Wednesday, January 21, 2026 12:47:01 PM

I would like to inform the city council that I strongly oppose rezoning the land from residential in order to put warehouses next to the Sun Lakes development. I strongly encourage you to leave this zoned residential and build homes. No one should be subjected to warehouses which results in trucks right next to a senior living community. This would be extremely dangerous, and increase our poor air quality. Please do not change the zoning of this land!
Sincerely, Jamie Taylor
Sun Lakes resident
Sent from my iPhone

From:	johnwaynemovies@aol.com
To:	cityclerks; RR@banningca.gov; Sheri Flynn; Cynthia Barrington; Colleen Wallace; LMiller@banningca.net; JOHN BOBENG; Janice Mcgill; Alice Esquivel
Subject:	PROBLEMS WITH THE PROJECT AT SUNSET AVE.
Date:	Tuesday, January 20, 2026 11:37:53 AM

TO OUR CITY OFFICALS:

WE HAVE LIVED AT SERRANO DEL VISTA 55 PLUS COMMUNITY FOR 22 YEARS.

IT IS ACROSS THE STREET FROM THE PROJECT THAT YOU ARE VOTING ON.

IT HAS BEEN VERY NICE HERE, ESPECIALLY AFTER THEY ADDED THE TRAIN OVER PASS.

BEING IN THE OLDER AGE GROUP, WE REQUIRE GOING TO DOCTORS AND HOSPITALS VERY OFTEN.

WE ALSO REQUIRE RAPID EMERGENCY RESPONSE. SUCH AS AMBULANCE,POLICE AND FIRE

AT THIS TIME SUNSET AVE. IS THE ONLY QUICK WAY IN AND OUT OF OUR NEIGHBORHOOD.

GOING SOUTH ON SUNSET FROM OUR FACILTY IS A DEAD END AND A DIRT ROAD GOING NO WHERE.

SO, THE POSSIBILITY OF ADDED 10 WAREHOUSES AND LOW DENSITY HOUSES.

WITH AS MANY AS 1,850 TRUCKS AND CARS ON SUNSET IS A VERY SERIOUS PROBLEM.'

*IT ALSO COULD CAUSE A LARGE LIABILTY FOR THE CITY OF BANNING WITH ACCIDENTS AND TRAFFIC

ON BOTH SIDES OF THE FREEWAY. .

I WAS IN THE GROCERY BUSINESS FOR 53 YEARS, MANAGING GROCERY STORES AND DRIVING 18 WHEELERS.

AND I CAN TELL YOU THAT THESE TRUCKS TAKE UP A LOT MORE ROOM AND REQUIRE ALOT OF TURNING

AND BACKING UP SPACE.

IN RECENT YEARS WE HAVE HAD SEVERAL FIRE IN THE FIELDS SURROUNDING SERRANO DEL VISTA,

ONE OF THE FIRES WAS TWO YEARS AGO ON THE LAND THAT THEY WHAT TO PUT THE WAREHOUSES AND HOUSES.

LAST YEAR WE HAD A FIRE BIG FIRE JUST SOUTH EAST OF SERRANO DEL VISTA ,COMING FROM IDLEWILD AND SAN

JACINTO MOUNTAIN. WE ALSO HAD A LAND FIRE LAST YEAR JUST SOUTH ONF SERRANO DEL VISTA.

ALL OF THESE SITUATIONS CAUSED A LOT OF CONFUSION AND POSSIBLE TRAFFIC CONGESTION ON SUNSET AVE.

WE ARE CONCERNED OF PUBLIC SAFETY,AND OTHER FUTURE PROBLEMS THAT COULD COME FROM THIS PROJECT.

PLEASE, CONSIDER A (NO) VOTE ON THIS PROJECT.

THANK YOU, JOHN BOBENG AND OFELIA BOBENG 909 379 8026

From: Judy Green Shaw
To: cityclerks
Cc: Richard Royce
Subject: Fw: Sunset Project.
Date: Wednesday, January 21, 2026 9:58:29 AM
Attachments: Sunset Project.pdf

Judy Green Shaw
Cell: 310-896-6147
Email: judygreentmc@msn.com

From: Judy Green Shaw <judygreentmc@msn.com>
Sent: Wednesday, January 21, 2026 9:47 AM
To: cityclerks@banningca.gov <cityclerks@banningca.gov>
Cc: RRoyce@banningca.gov <RRoyce@banningca.gov>
Subject: Sunset Project.

From: Karen Parmer
To: cityclerks
Subject: Warehouses
Date: Wednesday, January 14, 2026 1:18:20 PM

The Planning Commission voted three times against the warehouses and now you want another vote. How many times do we need to tell you this is something we do not want. Vote NO.

From: Kathy Hanrahan
To: cityclerks
Subject: Sunset. Ross roads Project
Date: Tuesday, January 13, 2026 2:38:48 PM

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets. We already have enough traffic congestion as it is. This is way too close to Sun Lakes Country Club.

Sincerely,
Kathy Hanrahan
2349 Keystone Ct
Banning, CA 92220
Sent from my iPhone

From: Linda Vieira
To: cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Subject: Protest
Date: Wednesday, January 14, 2026 8:41:10 AM

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets.
Please vote "NO" on this project.

Sincerely,

Linda Vieira
5052 W Hilton Head Drive
Banning

From:	loisjordan@dc.rr.com
To:	Richard Royce; Sheri Flynn; "CBarringer@ca.gov"; Colleen Wallace; cityclerks
Subject:	Sunset Cross Roads
Date:	Tuesday, January 13, 2026 12:37:58 PM

To: The City of Banning City Council
The City of Banning City Clerks

I am vehemently opposed to any warehouse that would be located near ANY residential areas. I also oppose rezoning any land to accommodate a developer's project. The truck traffic will be a HUGE detriment to the city overall.

If warehouses are built one can only hope the warehouses will stand empty! This could become reality!

.

I respect The City of Banning Planning Commission's wisdom in declining to move this forward to council. .

Options I see as viable for the city's growth are housing. Bring more homeowners in. Most major retailers locate to areas where the population can support their business.
We need more retail and new businesses to change the trajectory of our little town..

Thank you for your consideration.

Lois Jordan
Banning resident for 23 years

RECEIVED
JAN 22 2026
City of Banning
City Clerk's Office

ıary 17, 2026

ıing City Council
. Ramsey
ıing, CA 92220

· City Council,

se vote no on the Sunset Crossing project which would bring in 10
houses. It would be bad for the area which includes a junior college.

erely,

guerite Hedstrom
Long Cove Rd
ıing, CA 92220
ıed@yahoo.com

961

From: Martha Bederio
To: cityclerks
Subject: Fwd: Warehouses at Sunset Crossroads
Date: Saturday, January 17, 2026 2:55:45 PM

Sent from my iPhone

Begin forwarded message:

From: Martha Bederio <mossnpops@yahoo.com>
Date: January 17, 2026 at 2:09:29 PM PST
To: "CityClerk@banningca.gov" <CityClerk@banningca.gov>, "RRoyce@banningca.gov" <RRoyce@banningca.gov>, "CBarrington@banningca.gov" <CBarrington@banningca.gov>, "CWallace@banningca.gov" <CWallace@banningca.gov>, "LMiller@banningca.gov" <LMiller@banningca.gov>, "SFlynn@banningca.gov" <SFlynn@banningca.gov>
Subject: Warehouses at Sunset Crossroads

City Council Members
City Council Clerk
City of Banning, CA

Greetings:

I am a long time resident of Banning, California having moved here circa 1979. I was a teacher here in Banning for over 22 years and have served as Trustee on the Banning Unified School Board.

I am opposed to the building of warehouses in our city, especially the Sunset Crossroad project. The proposed project is too close to residential properties. The increased traffic caused by large trucks will make vehicular traffic worse than it is today for nearby residents. The pollution from idling trucks could adversely affect the health of the very young and the elderly. The freeway traffic is already congested; more big rigs will exacerbate the problem and make commute times for residents only longer. Although the project may bring revenue to the city budget, it may not. I can remember a commercial building project south of the freeway in Banning that was partially built but never occupied. It became a public menace and was eventually torn down. I would wager than there would be very few jobs generated for the local population by this project.

For these reasons I urge you to follow the Planning Commission's no vote and vote no on the Sunset Crossroads project.

Thank you for serving!

Sincerely,
Maretha A. Bederio

This written communication is being submitted to be included in the public hearing process scheduled for the meeting of the Banning City Council on Wednesday, January 28, 2026, regarding the Sunset Crossroads project.

We are adamantly opposed to this project, to be located between two senior residential communities, because of the following reasons**: traffic issues, air and noise pollution, and inappropriate location for warehouse operations.**

Traffic Issues:

Adding additional trucks to our already congested traffic area on Highland Springs will increase traffic to unacceptable levels. With over 80 percent of the residents living near the project being over 55 years in age, there is almost a daily need for emergency services, in particular, paramedics and ambulance service. With increased traffic congestion, these emergency services will be greatly impeded to those residents in critical need at The Lakes, Sun Lakes Country Club and Four Seasons, as well as the 55+ community off Sunset Avenue. Every second counts in a medical emergency. No amount of traffic light management or roadway improvements will be effective.

Air and Noise Pollution

Increased presence of trucks in the area will certainly have a negative effect on air and noise pollution, due to the daily presence of noisy trucks spewing diesel fumes. Here again, with over 80 percent of the residents living in the project area being over 55 years of age, many with compromised health conditions, it is unacceptable for any warehouse to be in an area near a large retirement community.

Inappropriate Location:

One only has to drive the 60 freeway through the Moreno Valley region to see that the warehouses are not located adjacent to residential areas. For the most part, this is also true in the Ontario area. The Amazon facility in Beaumont and the new (and seemingly vacant) warehouses off Cherry Valley Avenue are located away from residential areas. There is another warehouse located in the eastern part of Banning that has recently become vacant. It is appropriately placed.

Warehouses are an important element of goods movement in today's economy, but location, besides the availability of raw land, is an important consideration. The Sunset Crossroads Project is grossly inappropriately placed and should not be approved for the proposed location.

We are vehemently opposed to the project, especially the warehouse component.

Sincerely,

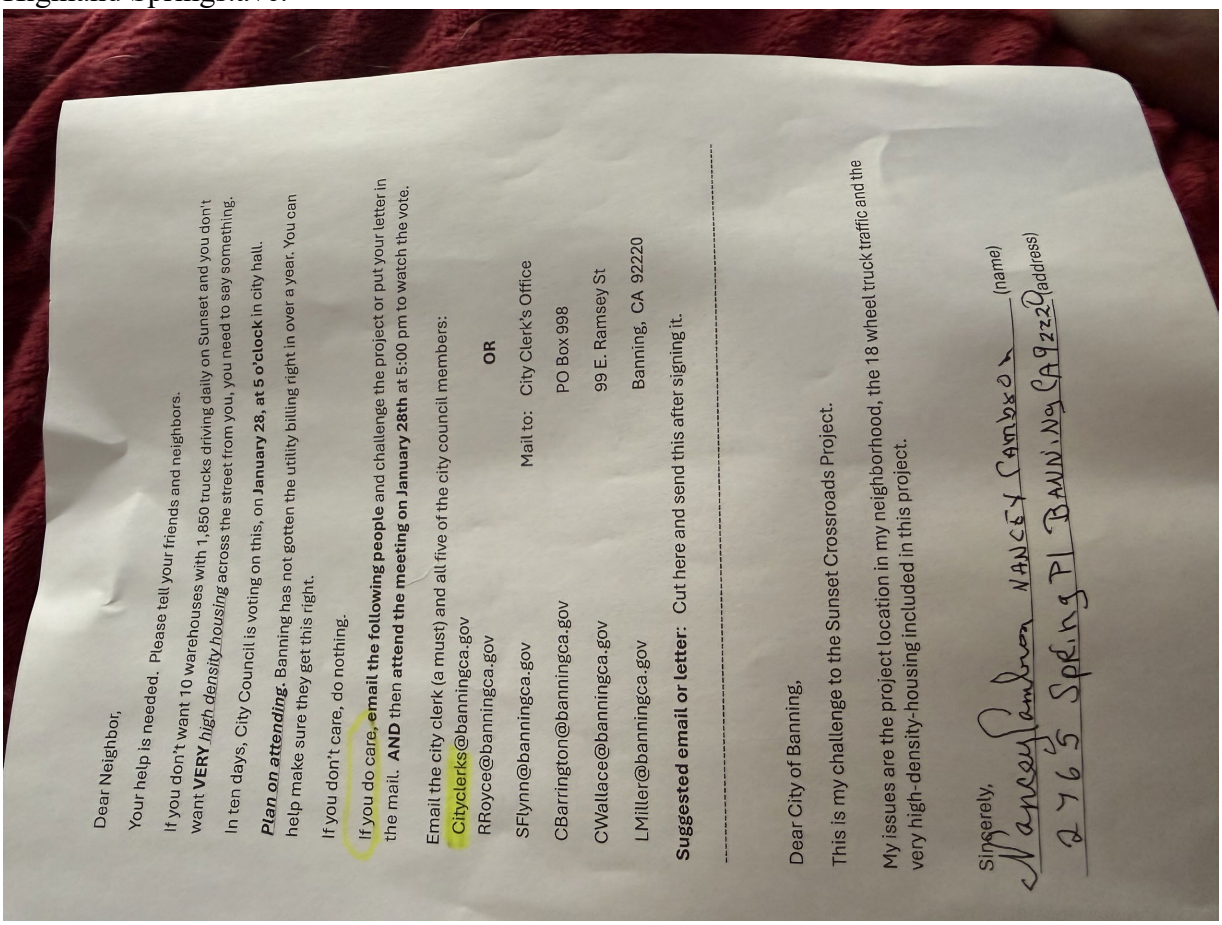
Mary Ann Harvey-Melleby
Richard Collier
Sun Lakes Country Club Residents
6308 Ponte Verde Circle
Banning, CA 92220
(909) 974-8008

From: MaryJo McElwain
To: cityclerks
Subject: Sunset Crossroads
Date: Tuesday, January 20, 2026 5:15:45 PM

I am against the Sunset Crossroads project. There is no buffer between our 55+ community and the hundreds of trucks and traffic that will use Sun Lakes Boulevard.
Sun Lakes Boulevard cannot structurally support semi truck traffic .
Highway 10 doesn't need another truck stop. Morongo is only 5 minutes away.
Mary Jo McElwain
1004 Hogan Avenue
Banning

From: Nancey Cambron
To: cityclerks
Cc: Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Date: Tuesday, January 20, 2026 3:48:48 PM

I do not want ten warehouses with 1850 trucks driving daily on sunset and I don't want very high density housing across the street from myself. There is a meeting January 28 at 5 o'clock in City Hall. I do plan on attending Banning has not got the utility billing right over a year. You could help make sure they get this right I am emailing the people that represent the City Of Banning To challenge this Ridiculous plan of extra warehouses and 1850 trucks driving daily on sunset. The people elected to Banning California's government has destroyed Highland Springs.ave.



Dear Neighbor,

Your help is needed. Please tell your friends and neighbors.

If you don't want 10 warehouses with 1,850 trucks driving daily on Sunset and you don't want **VERY** *high density housing* across the street from you, you need to say something.

In ten days, City Council is voting on this, on **January 28, at 5 o'clock** in city hall.

Plan on attending. Banning has not gotten the utility billing right in over a year. You can help make sure they get this right.

If you don't care, do nothing.

If you do care, **email the following people** and challenge the project or put your letter in the mail. **AND** then **attend the meeting on January 28th** at 5:00 pm to watch the vote.

Email the city clerk (a must) and all five of the city council members:

Cityclerks@banningca.gov
RRoyce@banningca.gov
SFlynn@banningca.gov
CBarrington@banningca.gov
CWallace@banningca.gov
LMiller@banningca.gov

OR

Mail to: City Clerk's Office
PO Box 998
99 E. Ramsey St
Banning, CA 92220

Suggested email or letter: Cut here and send this after signing it.

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.

My issues are the project location in my neighborhood, the 18 wheel truck traffic and the very high-density-housing included in this project.

Sincerely,
Nancey Cambron NANCEY CAMBRON (name)
2765 Spring Pl BANN, Ng CA 92220 (address)

The traffic is ridiculous. Why do they want to destroy this whole town?

From: Patricia Naylor
To: cityclerks
Subject: Sunset Crossroads
Date: Wednesday, January 14, 2026 11:50:52 AM

Please listen to the Planning Commission...NO SUNSET CROSSROADS!!!

Thank you,
Patricia Naylor
Banning Resident

From:	Pat Savage
To:	Richard Royce; Sheri Flynn; Leroy Miller; Colleen Wallace; Cynthia Barrington; cityclerks
Subject:	Re: Sunset Crossing proposed Development
Date:	Wednesday, January 14, 2026 5:30:29 PM

Dear City of Banning:
As I live adjacent to the proposed property to be developed into Sunset Crossing Warehouse Project, I feel very strongly that this development is the WRONG project to be put into this property. The site is surrounded on both sides by residential property. Heavy truck traffic will overflow onto both Lincoln and Sun Lakes Blvd. Trucks will park along both thruways on an overnight basis if their particular destination is closed for the night. Currently, heavy GOLF CART traffic uses Sun Lakes Blvd to go to and from the NORTH section of Sun Lakes CC. Mixing golf carts with heavy highway Rigs is a recipe for disaster. There HAS to be another site onto which this development should go that can be traded for this one.
Please give these concerns some consideration on January 28th
Thanks for being a thoughtful Councilperson.
Patrick H. Savage
5772 Indian Canyon Dr.
Banning, CA

From: Paul Fitzpatrick
To: cityclerks
Subject: unset Crossroads
Date: Tuesday, January 13, 2026 11:06:20 AM

Please vote no on the Sunset crossroads project!!!!
Thank you,
Paul Fitzpatrick
(Banning resident and voter)

--

Slainte

From:	Rhonda Jones
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Leroy Miller; Colleen Wallace
Subject:	Sunset Crossing Project
Date:	Tuesday, January 13, 2026 3:15:36 PM

Rhonda I Jones
5756 Oakmont Drive
Banning, CA 92220

January 13, 2026

Dear City of Banning clerk and council members,

I am writing regarding my concerns for warehouses and trucks driving down Sun Lakes Boulevard which is less than 200 miles from my home. The traffic driving down the Sun Lakes Boulevard extension to these warehouses would be devastating to me since I have to drive down this street to get to my home and the noise, banging and clamoring of trucks would be irritating to hear from my front yard and home.

We have a huge warehouse not in use since sketchers left that building. We dont need more warehouses when the huge warehouse is not being rented. We need this property to have more neighborhood friendly businesses or homes.
Thank you for reading my email and considering my homeowner concerns.

Sincerely,

Rhonda I Jones
Banning Homeowner

Yahoo Mail: Search, Organize, Conquer

From:	Robin Warner
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Subject:	City of Banning
Date:	Wednesday, January 14, 2026 11:20:25 AM

January 14, 2026

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.
The issues are the project location in my neighborhood and the truck traffic on my streets.

Please vote "NO" on this project, & (minimally) prohibit truck traffic from using Sun Lakes Blvd as a thoroughfare.

Thank you.

Sincerely,

Robin Warner

From: ronmmc
To: cityclerks
Subject: Warehouses No No,NO. WHAT ARE U THINKING. MORE BIG TRUCKS, TRAFFIC, AND UGLY IN OUR BEAUTIFUL AREA
Date: Tuesday, January 13, 2026 2:02:01 PM

Sent from my Galaxy

From:	Sheri Ross
To:	cityclerks; Sheri Flynn
Cc:	Richard Royce; Cynthia Barrington; Colleen Wallace; Leroy Miller
Subject:	Sunset Crossroads Project
Date:	Tuesday, January 13, 2026 3:06:30 PM

City of Banning,

This is my challenge to the Sunset Crossroads Project.

One warehouse in a location between two housing complexes is not a good idea. But, TEN!!!! The truck traffic in the neighborhoods along with the additional traffic congestion at the freeway interchanges on Highland Springs (which is already at a standstill most of the time) is going to be horrific. The thought is too ludicrous to even contemplate! The idea that I have to write this email to protest this project sickens me. This city council is a humongous disappointment to me and my neighbors. After the utilities billing debacle, I should think you would be doing everything in your power to redeem yourselves for the people of this city.

Please vote NO on this absurd plan.

Sincerely,

Sharen G. Ross
1237 Hogan Ave.
Banning, CA 92220

From: Sylvia Berbiar
To: cityclerks
Subject: No to warehouse projects
Date: Tuesday, January 13, 2026 11:13:08 AM

No to warehouse projects in Banning.

Sylvia Berbiar
SLCC

From: steve rubrecht
To: cityclerks
Subject: Sunset Crossroads
Date: Thursday, January 22, 2026 5:47:48 AM

City of Banning;

I do not want the Sunset Crossroads project to continue. This is my challenge .
The issues are the location of the project in my neighborhood, the truck traffic, and the very high density housing.

Sincerely
Steve Rubrecht
6358 Player Court
Banning, CA

From:	Raelene Kretchman Thornton
To:	Richard Royce; cityclerks; Cynthia Barrington; Sheri Flynn; Colleen Wallace; Leroy Miller
Subject:	Sunset Crossroads
Date:	Wednesday, January 14, 2026 1:27:42 PM

Dear Council Members,

As a Banning resident, I respectfully urge you to vote NO on the proposal to build 10 new warehouses, which could add 1,800+ more trucks to our area. Our city is already overburdened, and this project would intensify the problems we face.

There is a significant number of vacant warehouses nearby; adding more won't help our local economy, but it will:

- Increase freeway congestion and traffic risks
- Worsen pollution and harm our air quality and environment
- Go against repeated community input opposing more warehouses

Please prioritize public health, safety, and sustainable development.
We ask you to vote NO on this proposal.

Thank you for your service and consideration.

Sincerely, Steven & Raelene Kretchman
950 S By Hill Rd, Banning CA
]

From:	tvsolomon@aol.com
To:	cityclerks; Richard Royce; Sheri Flynn; Cynthia Barrington; Colleen Wallace; Leroy Miller
Cc:	bobbyb1370@aol.com
Subject:	Objection to Sunset Crossing
Date:	Wednesday, January 14, 2026 9:33:27 AM

Dear Members of the Planning Commission / City Council,

I am writing to formally express my opposition to the proposed warehouse development planned for our community. I have serious concerns regarding the safety risks, environmental impacts, and traffic problems this project would create for nearby residents.

First, the safety implications cannot be overlooked. Large warehouse operations typically involve frequent heavy truck traffic, extended operating hours, and increased noise. This creates heightened risks for seniors, pedestrians, cyclists, children, and emergency responders in the area. Our neighborhood infrastructure was not designed to support industrial-scale activity, and introducing it would significantly compromise public safety.

Second, the environmental impact of this development is deeply concerning. Warehouses often contribute to increased air pollution from diesel trucks, higher noise levels, and potential harm to local wildlife and green spaces. Paving over open land also increases stormwater runoff and flood risk, which can negatively affect surrounding homes and ecosystems. These impacts run counter to our community's goals of sustainability and environmental stewardship.

Finally, the traffic consequences would be substantial. The addition of constant truck and employee traffic would worsen congestion on already busy roads, increase wear and tear on local infrastructure, and lengthen commute times for residents. This could also hinder emergency vehicle access, creating further safety risks.

I respectfully urge you to reconsider approval of this project or, at a minimum, require a comprehensive and transparent study addressing safety, environmental, and traffic impacts, with meaningful opportunities for community input. Our neighborhood deserves development that enhances quality of life—not one that puts residents at risk.

Thank you for your time and for considering the concerns of the community you serve.

Sincerely,
Teresa SolomonBillings
5825 Orange Tree Ave
Banning, CA, 92220
(951) 634-8065

From: Thelma Thomas
To: cityclerks
Subject: Fwd: Sunset Crossroads Proposal
Date: Wednesday, January 14, 2026 9:07:59 PM

Sent from my iPhone

Begin forwarded message:

From: Thelma Thomas <tgkthomas@gmail.com>
Date: January 14, 2026 at 9:05:48 PM PST
To: Cityclerks@bamningca.gov, RRoyce@banningca.gov, CBarrington@banningca.gov, SFlynn@banningca.gov, CWallace@banningca.gov, LMiller@banningca.fov
Subject: Sunset Crossroads Proposal

Dear Council Members,

As a Banning resident I respectfully request and urge you to VOTE NO on the proposal to build 10 new warehouses which could add 1800+ more trucks to our area. This project would only intensify the problems we are already facing.

There is a significant number of vacant warehouses nearby—adding more won't help our local economy! It will:

. Increase freeway congestion and traffic risks
. Worsen pollution and harm our air quality and environment
. Go against repeated community input opposing more warehouse

Please prioritize public health, safety, and sustainable development. I ask you to VOTE NO on thi proposal!

Thank you for your service and consideration.

Sincerely,
Thelma G. Thomas
689 LaQuinta Drive
Banning, CA 92220

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.

My issues are the project location in my neighborhood, the 18 wheel truck traffic and the very high-density-housing included in this project.

RECEIVED
JAN 20 2026
City of Banning
City Clerk's Office

Sincerely,

Thomas Adams (name)

3016 Rainbow Lane Banning Ca (address)
92220

From: Timothy Donatini
To: cityclerks
Subject: RROYCE@BANNINGCA.GOV
Date: Tuesday, January 20, 2026 11:03:21 AM

SFLYNN@BANNINGCA.GOV

CBarrington,@Banning CA. Gov

CWallace@banningca.gov

LMiller@banningca.gov

This my challenge to the Sunset Crossroads Project this would be a big traffic issue in this neighborhood. Thank you for your consideration

From: Victor Banuelos
To: cityclerks
Subject: Don’t want 10 warehouses on Sunset .We don’t want the tragic.
Date: Wednesday, January 21, 2026 7:20:50 PM

Sent from my iPhone

From: ginnyjune@aol.com
To: cityclerks
Subject: Sunset Cross Roads
Date: Tuesday, January 13, 2026 1:13:46 PM

I do not want the Sunset Cross Road project to go forward in my Community. We don't need more warehouses. The truck traffic on our streets would be terrible for our community.

Sincerely,

Virginia De Bry
5259 W Pinehurst Drive
Banning, CA 92220

From:	Rowen Celestial
To:	cityclerks; Richard Royce; Sheri Flynn; CBannington@banningca.gov; Colleen Wallace; Leroy Miller
Subject:	City Council"s Votation on January 28, 2026 Re Construction Across SDV
Date:	Friday, January 23, 2026 2:48:22 PM

Dear City of Banning:

My issues are the project location in my neighborhood, the 18 wheel truck traffic and the very high-density housing included in this project.

Sincerely,

Rowena Celestial
3078 Rainbow Lane
Banning, CA 92220

Sandra Calderon

From: Linda Vieira <lvieira@eltree.com>
Sent: Friday, February 13, 2026 10:58 AM
To: cityclerks
Subject: To whom it may concern

To whom it may concern

I am vehemently opposed to re-zoning the area north and south of Sun Lakes Blvd, where the proposed Sunset Crossroads site is, from residential to industrial. I don't think it would be possible to enforce a "no trucks" rule from Highland Springs to the Sun Lakes RV lot on Sun Lakes Blvd, no matter what the law says. The amount of truck traffic along that route would be totally unacceptable.
Please do not approve this proposal, and the subsequent proposal for Sunset Crossroads. I believe a better place for those warehouses would be close to the airport where there is available space, and it would be farther away from residential areas.

Sincerely,
Linda Vieira
5052 Hilton Head Drive
Banning

Lvieira@eltree.com
951-797-0315 home
317-446-5993 cell

Sandra Calderon

From: Cynthia Hernandez <scher5155@gmail.com>
Sent: Friday, February 13, 2026 11:22 AM
To: cityclerks
Subject: Vote NO on Rezoning Lot East of Sun Lakes

Please accept this email as a request to Vote NO on rezoning the parcel of land to the east of Sun Lakes. Let's keep our area a residential beautiful area of Banning.

--

Cindy Hernandez
562-907-8514
scher5155@gmail.com

Sandra Calderon

From: Teresa Feger <fegerteresa8@gmail.com>
Sent: Friday, February 13, 2026 12:01 PM
To: cityclerks
Subject: Rezoning for Sunset Crossing Project

Dear City Clerks,
This is a copy of the email sent to each city council member. Please include it as proof of the emails I sent to each member.
Thank you for your service to the City of Banning.

Sincerely,
Teresa Feger
5112 W Pinehurst Dr
Banning, CA 922220

Dear Banning City Council Member,

My name is Teresa Feger. I live at 5112 W Pinehurst Dr, Banning CA 92220. I am writing to ask you, to vote NO on rezoning the land parcels involved in the Sunset Crossing development project. I do not believe that it would benefit our community to do so. They (the residential parcels) need to stay residential. Please do not rezone these parcels to industrial.
I agree that this project would be financially beneficial to Banning, if and only if, it is placed on land away from residential areas. The land out nearer to the old Banning airport might be a better placement for such a project. If the city could interest the developer in moving his project to an area like that, it would be a win/win/win for the city's residents, the city, and the developer.
Thank you for your service to the City of Banning. I look forward to following your vote and the progress of this type of project in our city.

Sincerely,
Teresa Feger, a concerned citizen
Sent from my iPhone

Sandra Calderon

From: jamie taylor <jamiejo357@gmail.com>
Sent: Friday, February 13, 2026 3:09 PM
To: cityclerks
Subject: Requesting you vote NO on rezoning for the Sunset Crossroads project

I was informed in addition to emailing all council members I need to email you, the city clerk, to ensure my emails are received and read. Below is a copy of what I sent them.

Thank you, Jamie

I am a resident of Banning, and I strongly urge you to vote **NO** on the proposed rezoning of the land east of S Highland Home Road and west of Sunset Avenue proposed as Sunset Crossroads Project.

This proposal would place large-scale warehouse operations directly adjacent to established residential neighborhoods. The increase in semi-truck traffic alone poses a serious and unacceptable risk to the safety of our families, children, seniors, pedestrians, and drivers. The resulting congestion, noise, air pollution, and road damage would permanently alter the character and livability of our community.

Approving this rezoning would cause irreversible harm to the residents who already live here. Once warehouses are built, the impacts cannot be undone.

There is far more appropriate land near the airport and other less-populated areas for industrial development. In addition, many warehouse facilities already sit vacant. Expanding industrial zoning into residential areas is unnecessary and reckless when better alternatives exist.

Our community needs responsible, thoughtful development — grocery stores, neighborhood retail, and services that support residents and strengthen property values — not more truck traffic and industrial sprawl.

Please stand with the residents you represent. Protect our safety, our air quality, and our quality of life. **Vote NO on this rezoning**.

Respectfully,

Jamie Taylor

269 Brooklawn Dr

Banning CA 92220

Sandra Calderon

From: Pam Norton <pamnorton26@yahoo.com>
Sent: Friday, February 13, 2026 5:31 PM
To: Richard Royce; cityclerks
Subject: Proposed Sunset Crossing development

Please vote no on the proposed Sunset crossing rezoning and development located east of the Sun Lakes community in banning.
In my opinion, this multi budget warehouse development would not be a wise use of land for our city. It will not only cause increased diesel truck and other vehicle traffic in residential areas, but will also cause terrible air pollution . There is already ingress and egress problems for emergency vehicles, including ambulances, to service especially vulnerable population areas. There are much better land areas if these warehouses are actually needed, such as vacant areas down by the airport and also empty warehouses which are located in areas that will not impact Banning neighborhoods. Banning can do better than this. How about some new restaurants, or some nice shopping? Thank you for your consideration.
Richard and Pam Norton
Sent from my iPhone

Sandra Calderon

From: Pam Booth <pamb5809@gmail.com>
Sent: Saturday, February 14, 2026 8:41 AM
To: cityclerks
Subject: Vote NO on proposed rezoning in Banning

I am a resident of Banning, and I strongly urge you to vote **NO** on the proposed rezoning of the land east of South Highland Home Road and west of Sunset Avenue for the Sunset Crossroads Project.

This proposal would place large-scale warehouse operations directly adjacent to established residential neighborhoods. The increase in semi-truck traffic alone poses a serious and unacceptable risk to the safety of our families, children, seniors, pedestrians, and drivers. The resulting congestion, noise, air pollution, and road damage would permanently alter the character and livability of our community.

Approving this rezoning would cause irreversible harm to the residents who already live here. Once warehouses are built, the impacts cannot be undone.

There is far more appropriate land near the airport and other less-populated areas for industrial development. In addition, many warehouse facilities already sit vacant. Expanding industrial zoning into residential areas is unnecessary and reckless when better alternatives exist.

Our community needs responsible, thoughtful development — grocery stores, neighborhood retail, and services that support residents and strengthen property values — not more truck traffic and industrial sprawl.

Please stand with the residents you represent. Protect our safety, our air quality, and our quality of life. **Vote NO on this rezoning**.

Respectfully,

Nathaniel and Pamela Booth

Sandra Calderon

From: Margo Kuhn <trvlngmargo@yahoo.com>
Sent: Sunday, February 15, 2026 12:11 PM
To: Leroy Miller; Cynthia Barrington; Sheri Flynn; Richard Royce; Colleen Wallace; cityclerks
Subject: Sunset Crossroads Project

I respectfully urge the City Council to vote "NO" on Sunset Crossroads Specific Plan. This is in reference to protect this land for wellness, environmental health and future generations.

Margaret Kuhn
Sun Lakes Banning Ca resident
Sent from Yahoo Mail for iPad

Sandra Calderon

From: Pam Phillips <impamsp@gmail.com>
Sent: Sunday, February 15, 2026 10:34 AM
To: Leroy Miller
Cc: Colleen Wallace; Rroyce@banning.gov; Cbarrington@banning.gov; Sheri Flynn; cityclerks
Subject: T=

We are residents of Banning and strongly urge a no vote on the rezoning/ Sunset Crossings projects. There is not one sensible reason to add truck traffic or more empty warehouses to this area!! Please vote no on rezoning!

Ken and Pamela Phillips
1134 Riviera Ave
Banning 92222

Dear City of Banning,

This is my challenge to the Sunset Crossroads Project.

My issues are the project location in my neighborhood, the 18 wheel truck traffic and the very high-density-housing included in this project.

Sincerely,

Josey R. Ta Robles (name)

698 SWEATHER WAY BANNING 92220 (address)

Rita A. Robles
698 Weather Way
Banning, CA 92220

SN BERNARDINO CA 923
11 FEB 2026 PM 5 L

RECEIVED
FEB 17 2026
City of Banning
City Clerk's Office

CITY CLERK'S
OFFICE
PO BOX 998
99 E. RAMSEY ST
BANNING CA 92220

92220-483799

Sandra Calderon

From: Tara <tarahagye@gmail.com>
Sent: Tuesday, February 17, 2026 8:00 AM
To: cityclerks; Richard Royce; Cynthia Barrington; Leroy Miller; Colleen Wallace; Sheri Flynn
Cc: Planning
Subject: Request for Alternative Site Analysis – Sunset Crossroads Agenda Item (February 26)

Dear Honorable Mayor and Members of the City Council,

I am writing in advance of the February 26 Council meeting regarding the proposed industrial development at Sunset Crossroads.

I respectfully request clarification as to whether the City has conducted or documented a formal alternative site analysis evaluating whether this proposed industrial use could be more appropriately located within an existing industrial-designated area, including but not limited to the municipal airport area.

Specifically, I am requesting confirmation of whether the following have been reviewed and documented as part of the decision-making process:

- An inventory of available industrial-zoned land within the City
- Evaluation of existing industrial clusters and infrastructure capacity
- Comparative analysis of traffic, air quality, and environmental impacts between the Sunset Crossroads site and alternative industrial-designated areas
- Consistency review with the City's General Plan land use objectives

Given the proximity of the Sunset Crossroads site to residential areas and the potential long-term impacts related to heavy truck traffic, air quality, and community health, it is important that the public record reflect whether alternative site options were formally evaluated.

Best practices in municipal planning typically include evaluation of alternative locations for higher-impact land uses when proximity to residential areas is involved. Ensuring that this step has been completed supports transparency, planning consistency, and long-term community wellbeing.

If such analysis has been conducted, I respectfully request that it be made available prior to the February 26 vote so that Council and community members may review it.

If it has not been conducted, I respectfully request that consideration of this item be postponed pending completion of an alternative site feasibility review.

This request is not made in opposition to economic development, but rather in support of thoughtful land use planning, industrial clustering best practices, and responsible stewardship of community health and safety.

Thank you for your time, service, and careful consideration of this matter.

Respectfully,

Tara Hagye
tarahagye@gmail.com

Sandra Calderon

From: RANDY EDEN <billeden@msn.com>
Sent: Wednesday, February 18, 2026 6:59 PM
To: cityclerks
Cc: Sheri Flynn; Richard Royce; Colleen Wallace; Leroy Miller; Cynthia Barrington
Subject: South Highland Home Road west of Sunset Ave to Sunset Crossroads Project. ZONING

I am a resident of Banning, and I strongly urge you to vote **NO** on the proposed rezoning of the land east of South Highland Home Road and west of Sunset Avenue for the Sunset Crossroads Project.

This proposal would place large-scale warehouse operations directly adjacent to established residential neighborhoods. The increase in semi-truck traffic alone poses a serious and unacceptable risk to the safety of our families, children, seniors, pedestrians, and drivers. The resulting congestion, noise, air pollution, and road damage would permanently alter the character and livability of our community.

Approving this rezoning would cause irreversible harm to the residents who already live here. Once warehouses are built, the impacts cannot be undone.

There is far more appropriate land near the airport and other less-populated areas for industrial development. In addition, many warehouse facilities already sit vacant. Expanding industrial zoning into residential areas is unnecessary and reckless when better alternatives exist.

Please stand with the residents you represent. Protect our safety, our air quality, and our quality of life. **Vote NO on this rezoning**.

Respectfully,

Randy & Arthur Eden

MINUTES

CITY COUNCIL – SPECIAL MEETING
CITY OF BANNING, CALIFORNIA

January 28, 2026
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the special 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.

1. CALL TO ORDER – 5:04 p.m.

1.1 **PLEADGE OF ALLEGIANCE**
1.2 **ROLL CALL**

COUNCIL MEMBERS PRESENT:	Mayor Pro Tem Cynthia Barrington Council Member Sheri Flynn Council Member Leroy Miller Mayor Richard Royce Council Member Colleen Wallace
COUNCIL MEMBERS ABSENT:	None
OTHERS PRESENT:	John O. Pinkney, City Attorney Art Vela, Interim City Manager Mark Staples, Planning Manager Nate Smith, Deputy Director of Public Works/City Engineer Todd Hopkins, Assistant Chief – Riverside Unit Vickie Sellers, City Clerk Sandra Calderon, Deputy City Clerk

2. PUBLIC COMMENTS - ***Closed Session Items Only***

None

3. CLOSED SESSION

2.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8. Property: Banning Municipal Airport consisting of approximately 232.41 acres comprised of APNs 541-240-009; 541-250-009; 541-140-003; 532-150-002; 532-150-003; 532-150- 004; 532-130-012; 532-130-018; 532-130-011; 532-180-034. Agency Negotiator: Interim City Manager Art Vela or his designee. Negotiating Parties: City of Banning and Industrial Enterprises, LLC. Under Negotiations: Price and Terms of payment.

City Attorney John Pinkney said Council did not meet on Closed Session

4. PUBLIC COMMENTS

Public comments on items not on the agenda were not taken due to the Special Meeting.

5. CITY ATTORNEY'S REPORT

City Attorney John Pinkney reviewed procedural guidelines from the manual, emphasizing courtesy, respect, and order during the meeting.

Mayor Royce announced the public hearing for items 6.1 and 6.2, the proposed Sunset Crossroads Specific Plan project, reminding the public of the previously stated guidelines. The process would involve a staff presentation, council questions, and then public testimony limited to two minutes per person, with a suggestion for groups to appoint a spokesperson. Mr. Staples, Planning Manager was then introduced to present the staff report.

6. PUBLIC HEARINGS

6.1 Consideration of Applications By NP Banning Industrial, LLC for the Sunset Crossroads Project, including (1) a Specific Plan (Case No. SP 20-2002) to Allow for the Development of Industrial and Commercial Uses on 533.8-acres of Land Located South of I-10 and the Union Pacific Railroad, and West of Sunset Avenue (Specific Plan Area); (2) a General Plan Amendment (Case No. GPA 20-2501) and Zone Change (Case No. ZC 20-3502) to Amend the General Plan Land Use and Zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Opens Space-Parks (OS-P), and Open Space-Resources (OS-R), including Pre-zoning for Annexation of Portions of the Specific Plan Area into the City of Banning's Jurisdictional Boundary; (3) a Development Agreement to Establish Vested Development Rights in Exchange for Public Benefits as Specified in the Agreement; (4) a Tentative Parcel Map (Case No. TPM 38118) for a Subdivision of the Specific Plan Area into Thirty-four Parcels and Five Lettered Lots Ranging in Size from One Acre to Seventy-eight Acres Consistent with the Nineteen Planning Areas in the Specific Plan; and (5) a Final Environmental Impact Report (Sch No. 2021020011) Including Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Recommendation: Deny the Project Applications as Recommended by the Planning Commission by Adopting:

(1) Resolution 2026-26 Rejecting the Certification of an Environmental Impact Report (EIR), SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

(2) Resolution 2026-27 Denying Applications by NP Banning Industrial LLC for the Sunset Crossroads Project, Including General Plan Amendment (No. 20-2501), Zone Change (No. 20-3502), Specific Plan (No. 20-2002), Tentative Parcel Map (TPM 38118) and a Development Agreement, for the Development of Industrial and Commercial Uses on a 533.8-acre Project Site Located South of I-10/the Union Pacific Railroad and West of Sunset Avenue.

Alternatively, Approve the Project Applications as recommended by Staff by Adopting:

(1) Resolution 2026-28 Certifying the Environmental Impact Report, SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

(2) Resolution 2026-29 Approving the General Plan Amendment (No. 20-2501); and

(3) Resolution 2026-30 Approving Annexation of 253.7 Acres into the City of Banning; and

(4) Resolution 2026-31 Approving the Tentative Parcel Map (TPM 38118); and

(5) Introducing by Title Only the Following Ordinances:

- Ordinance 1618, Approving Zone Change (No. 20-3502);
- Ordinance 1619, Approving Specific Plan (No. 20-2002); and
- Ordinance 1620, Approving a Development Agreement Between NP Banning Industrial

LLC and the City of Banning.

Mark Staples outlined the proposed applications for the Sunset Crossroads project, including General Plan Amendment 20-2501, Zone Change 20-3502, Specific Plan 20-2002, Tenant Parcel Map 38118, pre-annexation zoning and development agreement, and Environmental Assessment 20-1506 (State Clearinghouse number 2021-10232. 2021-020011), along with General Plan Amendment 22-2502 and Zone Change 22-3502 for the Mt. San Jacinto Community College District. The project site includes a northern half within the city boundary and a southern half in unincorporated Riverside County, requiring annexation. The northern half is to be re-designated as a specific plan, and the southern half pre-zoned as such, pending LAFCO approval. Existing general plan and zoning show commercial areas to the north and residential zoning throughout, with open space. Proposed changes maintain commercial to the north, convert much of the residential area to industrial, and preserve open space for natural drainage.

Planning Area 2, a shaded red area, would require a site-specific change to general commercial at a later date. The Sunset Crossroads project proposes commercial and industrial uses on 533.8 acres, including 268,400 square feet of commercial space (medical office, professional office, education, recreation), a 125-room hotel, and up to 5 million square feet of industrial uses (including up to 330 square feet of cold storage). The specific plan text serves as the project zoning document, containing land uses, development standards, design guidelines, and implementation provisions. Planning Area 1 is the general commercial area, while Planning Area 2 (33.8 acres) will need a future amendment for general commercial designation.

Examples of development standards from the specific plan (Chapter 3) were presented, including general commercial and industrial standards for lot size and setbacks. Mark Staples then introduced Nate Smith, Deputy Director of Public Works/City Engineer, to discuss circulation and traffic improvements.

Nate Smith discussed public works improvements related to the city's master plan. The project would require constructing Sunset Avenue to its full width from the Union Pacific Railroad to Westward Avenue, with a partial width improvement south of that point and a bridge crossing over Smith Creek. Dedications are required on Highland Home Road and Sun Lakes Boulevard. Ramp improvements on Sunset Avenue and intersection improvements at Sunset Lincoln, Sunset and Westward, Sun Lakes and Highland Home, and Ramsey Street are planned. These improvements align with circulation element roadways, intersections, and the traffic development impact fee program.

Roadway cross-sections are generally consistent with adopted city sections, with variations in parkway widths. Bike lanes and facilities are proposed. The current adopted truck route Resolution 2005-91) was presented, noting that roadways are not automatically truck routes and local serving businesses are exempt. The city is working towards AB 98 compliance with the general plan update by January 1, 2030.

A truck management plan is required to address community concerns about excessive trucks near Sun Lakes. The plan aims to divert traffic to Sunset Avenue towards the I-10 trade corridor, including signage, lease provisions with penalties for non-compliance, and physical improvements to discourage turns towards Sun Lakes. A traffic coordinator contact with the city and increased enforcement by Banning PD are also planned.

The project would provide additional water system redundancy and looping, benefiting the Sun Lakes community. An alternate water source would be provided via an 18-inch main within Westward Avenue. Non-potable water will be used for landscaping, with extensions to Sun Lakes and Sunset Avenue, and potentially to Sunset and Bobcat. A new gravity sewer backbone line from the Westward Avenue lift station to Sunset is required, eventually leading to the decommissioning of the lift station, which would reduce energy and maintenance demands.

All drainage on the project is set to be self-contained, with no major city-owned drainage system proposed. Stormwater must comply with the Banning-Venie Code, Regional Water Quality Board

control measures, and permits from CDFW, U.S. Fish and Wildlife, and Army Corps. The grading plan must comply with Title 18 of the Banning Municipal Code and environmental agency permits, with grading proposed to balance on site.

The Public Works Department developed conditions to ensure necessary infrastructure is built before each building's operation, allowing for flexibility in development sequencing based on market demands. The Planning Commission suggested adding conditions for ramp improvements at I-10 and Sunset (westbound and eastbound right turn lanes) and a traffic signal at Ramsey Street and Highland Home Avenue. These locations are within the city's traffic diff, making the project eligible for diff credit and reimbursement. Nate Smith concluded his presentation and handed it back to Mark Staples.

Mark Staples resumed, discussing design guidelines in Chapter 4 of the specific plan, which aim to ensure quality and character throughout the project. These guidelines assist developers, tenants, builders, engineers, architects, and landscape architects in achieving the desired design. They provide an aesthetic benchmark for future applications, encourage energy-efficient design, and ensure compliance with the City of Banning General Plan and ordinances. Chapter 5 includes implementation measures for land use and development guidelines, assisting city staff in project review.

A tentative parcel map subdivides the industrial and commercial areas into 34 lots (ranging from one to 78 acres) and five lettered lots for common areas or public purposes. The map has been updated to remove financing conveyance purposes and include correct APM numbers. The northern half and southern half (currently in Riverside County) of the map were shown. Mark Staples then introduced Interim City Manager Art Vela to discuss the development agreement.

Interim City Mager Art Vela highlighted notable terms in the development agreement, including an $8 million public benefit fee ($1.44 per square foot) paid in installments, with the first million due before grading permit issuance. The developer can receive up to $2 million in credits towards the $8 million for bringing in a sales tax-generating tenant, such as a fulfillment center. The agreement also includes an accelerated transportation development impact fee payment of $5.1 million for improvements to the Sun Lakes Boulevard extension, intended to help the city cash flow the project.

The developer is offering land for a fire station site, water tank site, electric substation site, and reverse osmosis site, estimated to be worth $5 to $7 million, at no cost to the city. They will also contribute $500,000 for the design and environmental review of a new substation, with total contributions not to exceed $12.5 million, which is estimated to cover the entire construction. This is crucial because the existing Midway substation (20 MVA) is outdated, and the electric utility lacks the funds for replacement. The developer's contribution would fund both the replacement and the capacity needed for their project.

The developer will be reimbursed for the city's share of the substation, partly through the city's transformer equipment and labor (estimated at $2.5 million), and the balance through rate revenues. The current electric rate structure supports this payback. The developer is also dedicating a five-acre park, which they will design, construct, and maintain.

The development agreement mandates a minimum 100-foot buffer between buildings and Bobcat Road, including a 20-foot landscape area. Facility funding includes a $15 million fire station contribution (covering design and construction) and $1 million for fire station equipment (a new fire truck), plus the electric substation contribution. A $750,000 grant contribution can be used to beautify downtown or fund a small business assistance program, such as a revolving loan.

The development agreement includes the formation of a CFD for a special tax on industrial buildings at 20 cents per square foot annually, with an annual escalator and no sunset date. The developer benefits from a seven-year freeze on new impact fees (excluding increases in existing categories). The developer is required to construct or begin construction of 100,000 square feet of commercial retail within 24 months of the first industrial building occupancy, with a $500,000

payment to the city every six months if they fail to meet this commitment. The agreement calls for at least two 100,000 square foot retailers, and the developer must submit an amendment to the specific plan and conduct an environmental review to allow retail and commercial in planning area two.

The development agreement was made public on September 10th and November 5th, 2025, with changes made based on Planning Commission discussions. Further revisions have been made in collaboration with the city attorney's office and the developer's team, including a tolling period (to be explained by City Attorney John Pinkney).

A 17 cents per square foot cap on permit fees has been removed due to refined calculations. A provision related to a tax-sharing and reimbursement agreement for the electric substation has also been removed, as the electric rate structure now supports the city's share of the substation cost. Various other changes clarify the intent of specific provisions.

Interim City Manager Vela presented a table summarizing the fiscal impact of the project, highlighting its timeliness given the recent audit discussion. The 2024 audit identified a serious fiscal challenge and a structural deficit of at least $3 million for the next few years. The annual revenue from the project includes the special tax (20 cents per square foot) and other recurring revenues, totaling over $2.9 million per year. The "other recurring revenues" represent the net surplus after subtracting the city's estimated expenditures for providing services to the development.

One-time revenues total over $37 million, including the public benefit fee (potentially reduced by $2 million), and contributions towards the electric substation. Half of the property is within the county jurisdiction, and upon annexation, the county will retain 75% of the property tax, with the city receiving only 25%. The project is expected to generate over $70 million in impact fee revenue, which is not included in the one-time revenue table as it is a standard requirement for all developments. Interim City Manager Vela concluded his presentation and handed it back to Mark Staples.

Mark Staples outlines the required findings for various project applications as per the municipal code. For general plan amendments, section 17.64.070 lists four items addressed in resolutions 26-27 (denial) and 28-31 (approval), carrying over findings from the Planning Commission's November 17th meeting. The specific plan adheres to section 17.96.040, emphasizing consistency with the general plan, environmental impact, site suitability, and neighborhood character. Zone change findings are under section 17.116.050, focusing on consistency with the general plan, zoning ordinance, and environmental concerns. The development agreement, unique to each project, is subject to section 17.0.030, ensuring consistency with the general plan, specific plans, and zoning ordinance, while promoting public welfare. The parcel map complies with the Subdivision Map Act, Section 66474, mirroring the seven findings discussed previously for the track map.

Mark Staples resumed, stating that he would go through the last of the project slides, mostly dealing with the required findings that are required with every project application. With all the application types, there are a couple slides to get through. He stated that he would not read through them all, but this is the list of required findings per the municipal code for general plan amendments. He pointed out the four items there per section 17.64.070. He stated that these items are all addressed both in the different resolutions that are before the council. He stated that the first two, resolutions 26 and 27, are what could be called the denial resolutions, and that resolutions 28 through 31 are the approval resolutions.

The project's environmental compliance timeline dates back to February 2021, with the circulation of the EIR notice of preparation. A scoping session followed two weeks later. The draft EIR was published in December 2023, with a comment period yielding 54 letters. The final EIR was published in July 2024. Due to unavoidable impacts on air quality, greenhouse gas emissions, noise, and transportation, Council must make findings and adopt statements of overriding considerations for approval. The draft EIR covers the summary, introduction, project description, environmental analysis, density change to Mt. San Jacinto College, cumulative impacts, CEQA topics, alternatives, and preparers, along with technical appendices. The final EIR focuses on responses to comments, draft EIR text revisions, the mitigation monitoring and reporting program, findings of fact, and

statement of overriding considerations, supplemented by a memorandum from September 10th, 2025.

The Mt. San Jacinto project involves general plan application 22-2502 and zone change 22-3502, transferring 1146 potential residential units from Sunset Crossroads to the Mt. San Jacinto College property. This includes rezoning 41 acres of the 49.2-acre area from public facilities/school to very high-density residential. The Sunset Crossroads project must also adhere to general plan amendment findings (section 17.64.070) and zone change findings (section 17.116.050). The Council has two groups of decisions: denying the EIR and project per the Planning Commission's recommendation or approving the project. The Planning Commission initially voted 3-2 to recommend denial on September 10th, then adopted denial resolutions on November 17th, 2025. Resolution 2026-26 rejects the EIR certification, while resolution 2026-27 denies the applications for the 533-acre site. Approval resolutions include 2026-28 (EIR certification), 2026-29 (general plan amendment), 30 (annexation resolution for LAFCO), and 31 (tentative parcel map 38118). Three ordinances are needed to approve Zone Change 20-3502, Specific Plan 20-2002, and the development agreement 1620.

Council Member Flynn inquiries about the removal of cold storage, the Sunset Avenue ramp improvements, and AB 98 compliance. Mark Staples clarifies that the cold storage was removed from the 33-acre planning area. Nate Smith explains that the Sunset ramp improvements are part of the DIF program, with the developer potentially making right-hand turn improvements and receiving DIF credit. The Caltrans process could take about 18 months, but there are no current plans. Caltrans was notified about the EIR but did not respond. Regarding AB 98 compliance, Nate Smith states that Banning is not listed as a warehouse-impacted area and, as a jurisdiction under 50,000 residents, has a compliance date of 2030. The city will evaluate truck routes in coordination with Beaumont as part of the general plan update.

Council Member Flynn questions the designation of Sun Lakes Boulevard west of Highland Home as a truck route. Nate Smith clarifies that it is not currently a truck route and would require a separate council action. He notes the section to Highland Springs is designated for 10,000 pounds or less. Regarding prohibiting trucks from turning right from the extension past Highland Home to Highland Springs, Nate Smith mentions the applicant's proposed intersection control with narrower lanes. He also addresses the proposed signal at Ramsey and Highland Home, stating it was not included as a condition of approval due to its location on the opposite side of the freeway, but the traffic study shows a potential impact. A signal at Highland Home and Sun Lakes Boulevard extension is not planned at this point, pending a more detailed traffic analysis. Council Member Flynn asks about the transformer for the electric substation.

Interim City Manager Art Vela estimates the transformer has been at the yard for about two years, purchased for the Midway substation replacement. He confirms the CFD is a service special tax, found in section 6.2.2 C of the development agreement, and requires property owner approval. Council Member Flynn notes the development agreement was published recently and is labeled as a draft. Mark Staples clarifies it's the most final version. Council Member Flynn questions if the project is null and void if LAFCO denies annexation. Mark Staples believes only the southern portion's development rights would be affected, but Council Member Flynn cites section 4.2 on page 29, stating the owner reserves the right to terminate the agreement if LAFCO denies annexation. Mark Staples acknowledges this is the owner's decision.

Council Member Flynn raises concerns about the retail development obligation, noting the 100,000 square feet of commercial use is required within 24 months after the first final certificate of occupancy for a project warehouse, potentially delaying the retail development. She also questions the market feasibility study requirement for Planning Area 2, fearing another warehouse if the study deems commercial retail unviable. Mark Staples acknowledges the change to commercial was a late addition based on feedback. City Manager Vela agrees with Council Member Flynn's concerns, suggesting the 24-month clock should start sooner and emphasizing the city's intent for commercial and retail use regardless of the market study.

Council Member Flynn prefers the retail development clock to start with permitting, not occupancy. Mark Staples clarifies that occupancy refers to the final inspection, not necessarily a physical presence. Council Member Flynn then questions the special account for public benefit fees until the Sun Lakes Boulevard extension is completed. Interim City Manager Vela explains this provision was added early on when the city lacked full funding for the extension, but the project is now fully funded, so the fees won't be used for the road. Council Member Flynn asks if the city will miss out on the money. Interim City Manager Vela confirms the city will still receive the money per the installment schedule. Council Member Flynn expresses concern about the first installment of the public benefit fee being paid prior to the first grading permit, potentially delaying payment for years. She wants to see fees paid sooner.

Council Member Wallace seeks clarification from Nate Smith regarding truck routes, specifically ensuring Sun Lakes Boulevard is not designated as one. Nate Smith confirms it is not and would require separate council action. Mayor Royce raises the issue of defining "construction" within the contract agreement, questioning whether it refers to permit issuance, groundbreaking, building completion, or occupancy. Interim City Manager Vela suggests the definition depends on the context and should be clarified in each provision where the term is used. Mark Staples suggests tying it to building department standards, where work is expected to begin within six months of permit issuance.

Brent Miles, one of the owners and founders of North Point, introduces the firm, highlighting its position as the largest privately held landlord in the United States with over $20 billion in assets under management. He emphasizes North Point's experience with California regulations and its commitment to investing in communities through thoughtful planning and public input. Miles states the project will create generational economic impact for Banning. He acknowledges the Council's difficult decision and aims to demonstrate transparency, openness, collaboration, and partnership. Miles expresses eagerness to begin the project, noting North Point purchased the property from a residential developer in June 2020. He highlights the team of professionals involved in creating a robust plan. Miles claims this project has the largest amount of public benefit North Point has ever given, representing almost a $1 billion investment in Banning.

Brent Miles emphasizes the significant public benefit of the project, estimating it as a near $1 billion investment in Banning. He addresses concerns about distrust in developers, assuring commitment to working with the city attorney to ensure transparency in payments. The project aims to transform the community by introducing retail, grocery stores, restaurants, hotels, entertainment, and services, with a signed contract with an anchor tenant. Miles highlights the creation of approximately 4,000 permanent jobs, infrastructure improvements, funding for a fire station and equipment, and a partnership to address Banning Electric's issues. Land donation for parks, along with their construction and maintenance, is also part of the plan. The development agreement is structured to protect the city without incurring costs, featuring a high CFD fee. Miles points out the elimination of cold storage plans and the addition of a 100-foot buffer in response to community feedback, ensuring AB 98 compliance. He also mentions the reduction of industrial square footage and the relocation of the fire station, emphasizing the importance of the anchor tenant and the donation of land to the retail user.

Brent Miles reiterates the public benefits, including the retail timing penalty, special facilities tax, and fire station funding, clarifying that the city retains the fire station funds if an agreement with Riverside County isn't reached. He highlights a grant for small businesses and the donation of land and easements for the Banning Electric substation and Sun Lakes Boulevard extension. A two-week job look-ahead for Banning residents and a partnership with MSJC are proposed to ensure local job creation. Financial impacts are tied to the certificate of occupancy, with flexibility in payment timing. Infrastructure improvements, including the Sun Lakes Boulevard extension and upgrades to Sunset, Lincoln, Bobcat, and Highland Home roadways, are valued at $42 million. Other benefits include the donation of right-of-way, a substation, a fire station, a water storage tank, an osmosis center, and parkland. Miles expresses excitement about bringing new shopping opportunities and a first-class fire station and parks to the community. He acknowledges the project's impacts, including sound, traffic, and noise, and explains the mitigation efforts. The sound impact is addressed, noting that the

project only exceeds sound variance during the construction of Sunset, with a temporary sound wall proposed as a solution.

Brent Miles discusses the traffic management plan, emphasizing no truck traffic west on SLB and proposing a headache bar solution. He highlights the use of sound walls, buffering, and landscaping to mitigate noise, stating that the project does not exceed sound limits except during Sunset construction. Miles argues that residential development is not viable on the site due to infrastructure costs and the presence of arroyos. He emphasizes the project's billion-dollar investment, commitment to paying fees, and desire to bring amenities and jobs to the community. Miles seeks a partnership to create a project that benefits the community, acknowledging the courage required to approve such a project and the potential for opposition. He believes the project's benefits outweigh the drawbacks.

Council Member Flynn inquires about the anchor tenant, which Miles confirms is a grocery-anchored retailer but cannot be publicly named. She questions the usability of the 65 acres of public park land, noting that much of it consists of culverts and ravines, and expresses concern about the existing homeless population in the area. Miles suggests that increased activity will deter homelessness and offers to consider providing more land for pure park space. Flynn emphasizes the ongoing issue of homelessness on the property and asks about plans for addressing it.

Council Member Flynn raises concerns about the lack of plans and funding for staffing the proposed fire station. Brent Miles suggests staff can better address the funding issue. Council Member Flynn requests a permanent sound wall north of Sun Lakes Boulevard on Highland Home Road to buffer the view and noise for the Sun Lakes community. Miles agrees to explore the sound wall. City Manger Vela explains that the project is projected to bring a net annual fiscal surplus to the city, part of which could be used for fire services, and mentions the possibility of a citywide CFD service to fund fire and police. He also suggests cost-sharing with the City of Beaumont. Brent Miles adds that the park land could potentially be expanded from five to twelve acres.

Councilman Miller expresses concern that the $16 million allocated for the fire station and equipment may not be sufficient due to rising costs. Brent Miles offers to increase the funding and tie it to a CPI inflator. Council Member Wallace asks the Fire Chief Hopkins about staffing the fire station once it's built. Fire Chief Hopkins explains that the city can request staffing through a letter, and the costs would depend on the type of resource placed there. He emphasizes the need for a fire station on the south side of the freeway and its potential to improve coverage in the city. Council Member Flynn clarifies the desired extent of the sound wall along Highland Home Road, requesting it extend to the substation for continuity.

Fire Chief Hopkins discussed the potential costs and benefits of establishing a fire station on the south side of Beaumont, emphasizing the current lack of coverage in that area and the reliance on stations in Cabazon (often blocked by trains) or Poppet Flats. He mentioned that staffing costs would depend on the type of resource deployed. Moving Engine 20 to the new station and adding equipment to the Wilson station could improve coverage for Atwell and other north-side communities. The Fire Chief offered to provide cost estimates for fire equipment, noting that a fully outfitted fire engine currently costs around $1.7 million, while a truck like the one purchased by Beaumont cost $2.4 million plus outfitting expenses. The estimated cost for a new fire station is around $8 million, potentially excluding land costs, but the city has architecture drawings available to help reduce costs. Projections have been made regarding response times from potential fire station locations off Sunset and at the Wilson site, aiming for a four-to-five-minute response time. Other fire stations being built in the county are estimated to cost around $12 million or more.

Charlene So from Urban Crossroads stated that the modified project now anticipates 1,850 trucks per day on Sunset Avenue daily, a reduction from the original estimate of 3,200 due to project modifications. The traffic study primarily focuses on morning and evening peak hours, revealing slightly more truck traffic in the morning (about 100 trucks more). While truck activity generally occurs outside peak commute hours, there could be truck traffic between 7-9 PM. The industrial traffic pattern is inverse to residential traffic, with higher inbound traffic in the morning and higher outbound traffic in the afternoon, potentially mitigating congestion during peak commute times.

Council Member Flynn questioned the significant reduction in truck traffic (from 3,200 to 1,800) despite the removal of only 500,000 square feet of warehouse space. Brent Miles clarified that the removal of 330,000 square feet of cold storage, along with the elimination of the truck stop as a permitted use, significantly contributed to the reduction in truck traffic. Cold storage and truck stops have a disproportionately high impact on truck volume compared to standard warehouse space. Council Member Flynn requested that the updated traffic study memo be provided to the entire council for review.

Mayor Royce questioned Brent Miles about comparable mixed-use projects in California. Brent Miles mentioned a large project near the Sacramento airport and retail developments in Kansas City and Detroit, but not a similar mixed-use project in California. He stated that his company has developed 30,000 residential units across the U.S. Mayor Royce expressed concern about the high number of vacant warehouses in Riverside County and asked if tenants were secured for the proposed warehouses. Brent Miles stated that he doesn't have tenants yet because he doesn't know when construction will begin. He cited a 5.2% vacancy rate for IE East, indicating a tight market. Council Member Flynn expressed concern that the warehouses might remain empty, referencing the Skechers building and other vacant properties in Cherry Valley. Brent Miles stated that the Skechers issue is related to foreign trade zone status, not a lack of demand. He disagreed with the notion of a downturn in warehousing, asserting that the region is the most robust industrial market globally.

Council Member Flynn suggested a condition requiring a tenant to be secured before building each subsequent warehouse. Brent Miles expressed openness to discussing language around this but highlighted the financial risk of building additional vacant warehouses. Council Member Flynn emphasized the community's concern about potential empty warehouses, given the history of vacant properties and the rezoning of land previously designated for single-family homes. She worried about the negative impact on surrounding communities if the warehouses remain unoccupied and do not benefit the city. Brent Miles pointed out that he would still be paying fees and taxes even if the buildings were vacant. City Manager Vela added that vacant warehouses would generate revenue through CFD and property taxes without placing demands on city services like traffic management.

Mayor Royce expressed concern that empty warehouses could attract crime and blight, potentially exceeding the revenue generated. Brent Miles stated that less than 2%, possibly less than 1%, of his California properties are currently vacant. Mayor Royce inquired about the intended use of the warehouses, specifically whether they would be used for "point of sale" activities. Brent Miles explained that point of sale taxation in California is complex and depends on the tenant's other facilities. He mentioned Chewy.com as an example of a point-of-sale tenant in Missouri. Brent Miles estimated that 20% of their California portfolio involves point of sale. He believes that the Banning location is a "home-run site" and that he has the capital ready for the project. He noted that last year, his company leased 15.6 million square feet, with 9.8 million square feet coming from existing Fortune 500 tenants.

Brent Miles clarified that the plans include dedicated truck parking spaces, separate from loading and unloading docks. These spaces are intended for trucks staging between loads. Mayor Royce expressed concern about trucks spilling over onto city roads, a common problem in other cities with large distribution centers. Brent Miles assured that the site has ample land coverage (22-25%) compared to typical industrial developments (35-38%), allowing for sufficient on-site storage and queuing. City Manager Vela emphasized the longer throats leading into the buildings, providing more on-site storage capacity for trucks. Brent Miles stated that the internal road networks are designed to prevent trucks from queuing on public streets. He expressed confidence in leasing the buildings due to their state-of-the-art design and ample parking.

Mayor Royce Opened Public Hearing at 7:50 p.m.

- A resident highlights key issues previously raised: electricity bills, warehouses, and animal care. urges the council to consider whether the current project is truly in the city's best interest, noting resident opposition to empty warehouses and uncertainty about future buyers and the economy.
- Richard McCard expresses concerns about the incompatibility of warehouses with neighboring residential areas and focuses on traffic impacts. He cites a figure of 1,850 trucks per day,

exceeding one truck per minute. He raises concerns about ambulance and police access, added load on the 10 freeway, noise, and pollution. He questions truck routing via Sun Lakes Boulevard to Sunset Blvd. and suggests the airport as a more suitable location.

- Chuck Huff emphasizes that the council's loyalty should be to residents, not freight traffic. He criticizes the council's credibility, citing the San Gorgonio Inn and a drag racetrack. He recalls previous claims about the impossibility of extending Sun Lakes Boulevard due to dangerous pipelines. He highlights traffic problems on Sunset and Lincoln, the impact on fire engine access despite the $35 million underpass, and the increase in decibel levels from sirens. He also mentions the shift from rural land to high-density housing and commercial development.
- A resident asks if homeowners in Serrano Del Vista will be reimbursed if truck traffic on Sunset lowers property values.
- John, representing union plumbers, pipe fitters, and refrigeration workers, finds it ironic that people complain about warehouses while ordering online. He challenges the vacancy rate argument, citing statistics of approximately 5% vacancy in the general area and 8% county-wide, suggesting a 92% chance of occupancy. He proposes organizing warehouses with tiered wage systems, higher salaries based on seniority, supervisors with higher pay, and union representation. He urges the council not to turn down this opportunity.
- Jack Marty, a Banning resident with logistics and trucking experience, notes the presentation sounded better than previous ones. He recalls citizen opposition to warehouses and marijuana facilities, preferring grocery stores and retail. He expresses concern about 80 trucks per hour accessing the freeway, predicting a "nightmare." He also mentions fumes, drugs, overnight truck parking, and the potential for lawsuits forcing the opening of Sun Lakes Boulevard to truckers.
- Ashley Adams, a lifelong Banning resident and mother, acknowledges setbacks but emphasizes the need to consider the future for her child and other children. She highlights the jobs, entertainment, and food the plan could bring, urging the council to work out the details and consider the expectations of the younger generation.
- Tara Hagee, a Banning resident and caregiver in Sun Lakes, admires the area's environment and nature. She notes the existing 11 industrial, two commercial, and four residential projects already in the works. She argues for legacy over quick fixes, emphasizing community, small business, sustainable jobs, and environmental alignment. She urges consideration of the proposal's economic, health, and longevity impacts.
- Edward Espinosa clarifies factual points about the Sunset Crossroads project, including the 30-year development agreement and the $8 million public benefit fee being contingent on building construction and occupancy. He notes that the fire station, water reservoir, and other public facilities are based on phased needs, not automatic construction. He states that the warehouse and commercial components are market-driven and phased, with no mandatory build-out date. He also mentions the illustrative nature of the presented map and the lack of fixed warehouse sizes or layouts. He suggests ways for the city to protect itself, such as performance bonds and permit-based phasing. He raises concerns about decibel levels affecting seniors with hearing aids.
- Kathy Aranda formally opposes the Sunset Crossroads project, calling it the wrong project in the wrong location. She emphasizes the Planning Commission's recommendation for denial. She notes the permanent rezoning and annexation of over 500 acres, allowing over 5.5 million square feet of industrial warehouse development. She highlights the Environment Impact Report's acknowledgement of significant unavoidable impacts, including air quality, noise, traffic, and quality of life effects. She argues that environmental review identifies impacts but does not justify them, and rezoning makes those impacts permanent. She urges the council to deny the project, consistent with the Planning Commission's recommendation.
- Amy Pippinger expresses agreement with the previous speaker. If the project passes, she insists on a stoplight or stop sign at Highland Home and Sun Lakes. She raises concerns about student

and resident traffic on Sunset, especially near Westward, and the potential for problems with teenage drivers and semi-trucks. She believes the developer should have proposed a project consistent with the existing zoning. She also requests a buffer on Bobcat for horse trailers.

- Nick Weyrich, Senior Vice President at SRS Real Estate Partners, explains his firm was hired to secure retail tenants for the project's commercial component. He argues this is a transformational opportunity for Banning, potentially bringing a major nationally recognized retail anchor tenant. He emphasizes the competitive landscape with other sites in Beaumont and Calimesa. He states that the logistics component subsidizes the deal, making it attractive to retailers. He believes the anchor tenant will attract other retailers, creating a diverse mix of uses and a first-class amenity for the city.
- Lee Park, a partner at Axiom Retail Advisors, represents a nationally recognized big box retail client in advanced negotiations with North Point. He expresses strong support for the project, citing the potential for good local jobs, substantial tax revenue, and secured future growth. He emphasizes the client's real interest but ties their ability to move forward to the industrial component and its infrastructure. He warns that delays could lead the client to deploy resources elsewhere, making Banning no longer viable. He believes North Point is the right steward for the property and that the time for approval has come.
- Juanita Diaz expresses concern that the community is not adequately involved and convinced of the project's benefits. She feels information is often left out and that last-minute document releases are designed to confuse residents. She requests the council to deny the project with prejudice due to inadequate information.
- Louie Lopez, business agent for Ironworkers Local 433, highlights the "endless opportunity" promised by the city's motto. He seeks to recruit more Banning residents into the ironworkers, especially veterans through a direct entry program. He emphasizes the community benefits offered by North Point, stating he has never seen a developer willing to give so much to the community. He notes that union ironworkers start at $30 an hour as first-period apprentices, emphasizing the value of on-the-job skill training.
- Chuck Huff, a 52-year member of Local 250 Steam Fitter, acknowledges the improvements made to the project over the years. He admits that change is hard, especially for long-time residents. He notes his community's proximity to the project and its potential impact. He acknowledges the reduction in warehouses and the removal of the refrigeration component. He connects the project to the college and high-density housing, questioning the affordability of housing for retail workers earning $20 an hour. He commends the developers but remains hesitant about the change, understanding the need for jobs.
- Fran Hanrati asks the city council to be careful in their decision, suggesting the amount of warehouse square footage is excessive. She emphasizes the city's beautiful surroundings and its status as a blue zone city, highlighting the importance of clean air. She requests a revision to reduce the warehouse square footage.
- A resident addresses the potential uses of warehouses, citing examples of sports arenas, eateries, and chef classes. Emphasize the potential for community benefit and job creation, particularly in carpentry, ironworking, and electrical trades.
- A resident suggests relocating the project to the airport, creating a win-win situation for everyone and avoiding truck traffic near homes.
- Ron Roy supports the Planning Commission's recommendation to deny the project, reflecting the community's wishes for the 534 acres. He suggests the city staff's support for the developer stems from private meetings and communications without comparable public input. He asks the council to require the developer to reduce the industrial warehouse footprint and expand on existing general plan land uses, suggesting less than 160 acres or 30% of total acreage away from homes. He also mentions available industrial land east of Hathaway. He argues that the future of the 534 acres should reflect the Planning Commission and community's vision, not the

developer's, criticizing the developer's unchanging monolithic vision since 2021, where warehouses dominate 74% of the land use. He requests the Council to require the developer to reduce the industrial warehouse footprint and expand on existing general plan land uses, suggesting less than 160 acres or 30% of total acreage away from homes for industrial use. He believes more diverse land uses would create better dynamics and value.

- Carlos Esparza expresses his support for the project, mentioning his desire for a new park and nearby work opportunities. As a member of Iron Workers Local 433, he emphasizes the need for opportunities for young people, highlighting the union's apprenticeship programs for veterans and others

Mayor Royce Closed Public Hearing at 8:36 p.m.

Brent Miles with North Point addresses concerns, stating that fire services were prioritized based on staff input and that they have never seen property value decline near their industrial projects, citing examples in Kansas City and Edgerton, Kansas. They clarify that weed is a prohibited use due to their financial partners' restrictions inside warehouses. They emphasize the benefits of the 30-year development agreement, including guaranteed fees and an upfront payment of $7 million. They also highlight the explicit details of the development agreement regarding upfront payments.

Brent Miles addresses concerns about sound, stating that the human ear cannot detect decibel changes of less than three decibels, while the project's noise impact is much lower. He is willing to discuss the stoplight at Highland with public works and engineering. He also mentioned Hillwood as a competitor in the airport commentary.

Brent Miles clarifies that the industrial buildings will not be built all at once, and the traffic model accounts for full build-out over several years. expresses a shared desire to avoid vacant buildings and offer to provide a more detailed illustration of the traffic model, including signal locations, turn lanes, and time frames.

Brent Miles is unsure about the electrical substation and offers to consider how the project can help with other city needs like animal control. Council Member Flynn expresses concern about the amount of warehouses and square footage, suggesting the inclusion of more retail, commercial, and medical facilities.

Brent Miles agrees to consider alternative land uses but cautions that changes to the industrial square footage could impact on the financial viability of the project and the public benefit package. Emphasizes that the development agreement was heavily negotiated and that industrial use is the primary financial driver.

Mayor Royce points out the conflict between the developer's financial interest in warehouses and the city's need for retail. The applicant representative acknowledges the community's desire for retail but argues that industrial development generates more fees and is a more reliable financial producer. They estimate that the retail development could generate $2.5 million in sales tax.

Council Member Miller raises concerns about truck traffic and asks if some warehouses could be used for other purposes. The applicant representative explains that traffic is modeled based on warehouse square footage and that they actively monitor traffic to minimize problems, as excessive truck traffic is undesirable for both the developer and potential tenants. He highlight the $46 million investment in infrastructure to manage traffic.

Mayor Royce suggests a traffic study model predicting traffic in two to three years. The applicant representative and Charlene So from Urban Crossroads clarify that the traffic study looks at various time horizons, including existing conditions, project phases, cumulative projects, and a horizon year of 2045.

Council Member Flynn emphasizes that various commercial uses beyond retail are possible and

that warehouses generate 24/7 truck traffic, unlike medical or retail buildings. She expresses concern about the potential impact of 80 trucks per hour on the on and off ramps and suggests reducing the warehouse area south of Sun Lakes Blvd.

Brent Miles reiterates their efforts to minimize truck traffic and balance community needs with the development agreement. Councilmember Flynn questions the guarantee of LAFCO approval for the county land south of Sun Lakes Boulevard and the potential for the developer to withdraw if it's not approved.

J.J. Jenkins with Northpoint confirms that a survey was conducted in a disadvantaged unincorporated community, and residents chose not to join the city.

Council Member Wallace emphasizes the need for economic development in Banning, highlighting the city's fiscal challenges and the importance of adapting to change. She argues that the Planning Commission's denial of projects is hurting the city and that Banning needs to attract businesses to avoid being bypassed by other booming cities. She stresses the need for a change in mindset to support economic growth for the benefit of future generations.

Charlene So, with Urban Crossroads confirms the original traffic study was completed on August 9th, 2023, with subsequent technical memos, including one dated September 3rd, 2025.

Deputy City Clerk, Sandra Calderon reports receiving seven letters in support and 416 letters in opposition to the project, distributed to the council. Councilman Wallace reiterates that the project impacts the entire city of Banning.

Council Member Flynn moves to continue the discussion to a future date, citing the late release of the development agreement and a 10-page letter received from Sunset Crossroads. She argues that the council needs more time to digest these documents and the traffic study. The motion is seconded by Council Member Barrington. Motion carried 4-1 with Council Member Wallace voting no.

City Attorney Pinkney clarifies that continuing the public hearing to a date certain avoids the need for re-noticing. The discussion clarifies that agenda items 6-1 and 6-2 are related to the same project and can be continued together.

Councilmember Flynn suggests hearing agenda item 6-2, which involves the general plan amendment and zone change, as it is a separate issue involving the city and Mt. San Jacinto College, not North Point.

Mark Staples, Senior Planner proceeds to present the next item 6.2.

6.2 Consideration of an Application by the City of Banning, CA for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502) to Amend the Land Use Designation and Zoning of Approximately 41 acres of Land Owned by Mount San Jacinto Community College District Located Near the Southeast Corner of Westward and Sunset Avenues from PF–S (Public Facilities-Schools) to Very High Density Residential (VHDR) to Transfer Density of Not Less Than 1,146 Residential Units from the Sunset Crossroads Specific Plan.

Recommendation: 1. Adopt Resolution 2026-33, DENYING the project proposals of General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502)

2. Adopt Resolution 2026-34, APPROVING the project proposals of a General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502)

Mark Staples, Senior Planner proceeds to present on the residential land use transfer, explaining that it complies with state law regarding no net loss of residential land uses and is tied to the housing element. Another site was needed to accommodate the 1,146 units. Explaining the prior residential land uses in the area, referencing the "no net loss law" passed around 2021 or 2022 and its connection to the housing element. To compensate for the loss of 1,146 units, previous

directors contacted Mt. San Jacinto College, who were willing to take on the residential unit total, but wouldn't provide a formal letter of commitment. The presentation includes approval and denial resolutions tied to the North Point project and resolutions approving general plan 22-2502 and zone change 22-3502, specific to the college district's properties.

Council Member Flynn questioned the college's willingness without a formal commitment and the implications of transferring 1,146 low-density homes to a property not owned by the city, suggesting it's merely a "paper trade" to satisfy state housing policy. She expressed concern about losing these homes and the potential repercussions from HCD. She emphasized the Planning Commission's opposition to the project and the need for rooftops to support local businesses.

Mark Staples stated that the MSJC district generally accepted the responsibility for the 1,146 units. They mentioned the possibility of further transfer development rights. Council Member Flynn questioned the density required to accommodate that many units, and Mark clarified it would be roughly 27 units per acre, similar to recently built three-story apartments.

Mayor Royce opened public comments.

- Amy Pippinger speculated that MSJC might be amenable to the proposal because Diversified Pacific could purchase the land for apartments. She expressed her opposition to the plan.
- Tara Hagee questioned the logic of voting on the proposal without guarantees and its contingency on the other proposal, suggesting it be revisited with a committed site. The developer representative stated the MSJC site was considered in the EIR for the North Point project due to SB 330 requirements. He clarified that the MSJC site is intended for job development, not housing, and wouldn't preclude future school facilities. He also mentioned the 1,146 units were analyzed programmatically in the EIR and traffic analysis, with a housing range of 24-30 DU per acre, potentially in a clustered, three-story format.
- Shirley Hagey noted the reduced audience and expressed concern that the community wasn't adequately informed about the rezoning. She suggested delaying the decision for more public input. John Kond, counsel for the developer, emphasized the legal requirement under SB 330 to handle the North Point project and the zone change simultaneously. He clarified that state law only requires capacity, and the 1,146 units were merely shifted, not built or planned, similar to the previous situation with Lennar and the Sunset Crossroads property.
- Juanita Diaz expressed concern about the number of warehouses and questioned whether the city was prioritizing the community's needs. She emphasized the need for affordable housing and raised concerns about MSJC's potential departure. The meeting host then opened the floor for council discussion, deferring to legal counsel regarding separating or combining the items. The City Attorney advised handling the two items together as they are applications for one project.

Mayor Royce closed public comments

City Attorney, Pinkney suggested continuing the public hearing to February 26th to allow for the inclusion of missing ordinances. A motion was made to continue the meeting to February 26th. Councilmember Flynn inquired about the impact of the Rancho San Gregorio project (3,500 homes) on traffic. Staff confirmed the EIR accounted for Rancho San Gregorio as an existing approved project from 2016.

Council Member Flynn sought clarification on the car traffic numbers in addition to the 1,800-truck count.

Mark Staples indicated they would need to defer to traffic experts for specific car traffic numbers but estimated Island Springs had 30,000+ cars per day. Mayor Pro Tem Barrington pointed out that Rancho San Gregorio traffic would use multiple streets, not just Sunset. Council Member Flynn requested clear data on truck and car traffic. Mark Staples committed to translating the technical traffic data into an understandable narrative.

7. ADJOURNMENT

A motion was made by Mayor Royce and seconded by Council Member Miller to continue items 6-1 and 6-2 to February 26th at 5 p.m., motioned carried 5-0. Meeting was adjourned 9:32 p.m.

Minutes prepared by:

Sandra B. Calderon
Deputy City Clerk

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banningca.granicus.com/player/clip/282?view_id=1&redirect=true

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MINUTES

PLANNING COMMISSION - SPECIAL MEETING
CITY OF BANNING, CALIFORNIA

September 10, 2025
5:30 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

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1. CALL TO ORDER

5:43 p.m.

1.1 ROLL CALL

COMMISSIONERS	PRESENT	ABSENT
Castorena, Chris	X	
Dale, Kathleen	X	
Marshall, Al	X	
Phelps, Gerry	X	
Rodriguez, Nathaniel	X	

2. REPORTS

2.1 **CITY ATTORNEY'S REPORT**

Assistant City Attorney, Robert Patterson reviewed rules of decorum, emphasizing courtesy to all, and providing examples of non-disruptive conduct like silent gestures and criticism during public comment.

3. PUBLIC COMMENTS - *Agenda Items Only*

Staff proceeded with the staff report for item 4.1.

4. PUBLIC HEARING

4.1 Consideration of Applications By NP Banning Industrial, LLC for the Sunset Crossroads Project, including (1) a Specific Plan (Case No. SP 20-2002) to Allow for the Development of Industrial and Commercial Uses on 533.8-acres of Land Located South of I- 10 and the Union Pacific Railroad, and West of Sunset Avenue (Specific Plan Area); (2) a General Plan Amendment (Case No. GPA 20-2501) and Zone Change (Case No. ZC 20-3502) to Amend the General Plan Land Use and Zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Opens Space- Parks (OS- P), and Open Space-Resources (OS- R), including Pre-zoning for Annexation of Portions of the Specific Plan Area into the City of Banning's Jurisdictional Boundary; (3) a Development Agreement to Establish Vested Development Rights in Exchange for Public Benefits as Specified in the Agreement; (4) a Tentative Parcel Map (Case No. TPM 38118) for a Subdivision of the Specific Plan Area into

Thirty- four Parcels and Five Lettered Lots Ranging in Size from One Acre to Seventy -eight Acres Consistent with the Nineteen Planning Areas in the Specific Plan; and (5) a Final Environmental Impact Report (Sch No. 2021020011) Including Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act.

Recommendation: Adopt Planning Commission Resolution 2025-10, Recommending City Council Conditionally Approve the Sunset Crossroads Entitlements including Specific Plan (Case No. SP 20-2002), General Plan Amendment (Case No. GPA 20-2501), Zone Change (Case No. ZC 20- 3502), Development Agreement, Tentative Parcel Map (Case No. TPM 38118) and Certify the Final Environmental Impact Report (Sch No. 2021-020011) Including Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.

Community Development Director Newell presented the staff report on item 4.1, the Sunset Crossroads project, which includes a general plan amendment, zone change, specific plan, tentative parcel map, annexation of the southerly half of the site, and a development agreement, all supported by an environmental impact report (EIR). The Planning Commission's decision tonight is a recommendation to the City Council. A second item on the agenda is a general plan and zone change for land east of the project site, adjacent to Mt. San Jacinto Community College District, to allow for very high-density residential.

The project site is bordered by the 10 Freeway, Sunset Avenue, Bobcat Road, and Highland Home Road. Westward Avenue will extend through the site to Sun Lakes Boulevard. The southerly portion of the site requires annexation by LAFCO. The general plan amendment would redesignate the site as specific plan, with the southerly half pre-zoned for specific plan. Existing designations include commercial on the northeasterly portion, with proposed industrial designations replacing low, medium, and high-density residential. The specific plan designates purple areas for industrial, green for open space, and red for general commercial retail.

The Specific Plan governs permissible uses, identifying commercial within 48 acres and industrial within 392 acres of the 533-acre site. Commercial areas would allow for 268,000 square feet of various uses, including a potential 125-room hotel, and approximately 5.5 million square feet of industrial uses, including up to 333,000 square feet of cold storage. The plan includes development standards, design guidelines, and implementation provisions, and identifies several planning areas with corresponding uses. The document outlines permitted uses for both commercial and industrial areas.

Implementation measures include a required truck route management plan prior to industrial building occupancy, with specific components such as signage, designated entries, and parking areas, and restrictions on westward travel on Sun Lakes Boulevard. Lease provisions must clearly identify truck routes, requiring trucks to use Sunset Avenue to access the 10 freeway and prohibiting them on Sun Lakes Boulevard west of Highland Home Road. Development standards limit industrial development height to 60 feet. Infrastructure improvements within and adjacent to the site are also detailed, including circulation networks and road cross-section requirements.

Specific design guidelines aim to ensure high-quality development. The Specific Plan delegates design review application approval authority to City staff. A tentative parcel map application proposes subdividing the 533-acre site into 34 lots, ranging from one to 78 acres, aligning with the Specific Plan's planning areas, plus five lettered lots for common area and public purposes. An incorrect attachment to the staff report for the tentative parcel map exhibit was noted, with the correct version included in the presentation and available on the city's website. Larger buildings are generally oriented in a north-south direction.

A development agreement between the City and the developer establishes terms and obligations for both parties, with a 30-year term. Public benefits include an $8 million public benefit fee in installments, roadway improvements, an accelerated transportation development impact fee of $5.1 million, land for a fire station, water tank, electric substation, and reverse osmosis facility, and an electric substation payment of $500,000 for design and environmental review, plus up to $9.5 million for construction of the substation. Roughly 53 acres of open space would be offered for dedication, along with a five-acre park

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designed, constructed, and maintained by the developer. Additional benefits in the agreement include a $15 million payment for a new fire station and $1 million to outfit it, a $10 million electric substation contribution, and a $750,000 grant for downtown beautification or small business assistance. These items were negotiated after the joint meeting of Planning Commission & City Council this past May.

At least 100,000 square feet of commercial retail must be constructed within 24 months of the first industrial building's occupancy, with a $500,000 penalty after 24 months, plus an additional $500,000 every six months until the threshold is met. The applicant has agreed to build at least two 100,000-square foot retailers and submit an amendment to the plan for additional retail in Planning Area 2. An additional buffer of at least 50 feet, including 25 feet of landscaping, will be added along Bobcat Road. The special tax for a community facilities district will increase to 20 cents per square foot of industrial annually with an escalator. The developer can seek a sales tax credit or rebate of up to $2 million of the public benefit fee and be reimbursed for the difference of electric substation capacity above their use. The agreement allows for a seven-year freeze on new impact fees.

To recommend approval, findings must be made for the General Plan Amendment (consistency, no detriment to public health, maintaining land use balance), Specific Plan (consistency with General Plan, no detriment to environment or public interest, suitability of property, compatible development), zone change (consistency with general plan and zoning ordinance, CEQA review), development agreement (consistency with General Plan, Specific Plan, and zoning ordinance, promotion of public welfare), and subdivision map (Subdivision Map Act requirements).

The project was reviewed under CEQA, with a notice of preparation circulated in early 2021 and a scoping session held. A Draft EIR was published in December 2023, with a comment period concluding in January 2024, resulting in 54 comment letters. The final EIR, published in July 2024, included responses to comments and revisions. Due to unavoidable impacts to air quality, greenhouse gas emissions, noise, and transportation, findings and statements of overriding considerations are required. The EIR includes an environmental impact analysis, mitigation measures, and identification of significant impacts. A supplemental memorandum addresses potential changes from the development agreement, confirming no increased impacts. Documents are available on the City's website. This concluded Mr. Newell’s presentation.

The Applicant, Brent Miles of NorthPoint Development, one of the owners and founders of North Point Development, thanked the Commissioners. He highlighted the project's long development timeline and the company's nationwide presence as the largest privately held developer in the United States, developing industrial, multifamily, residential retail, and mixed-use projects. North Point purchased the site from Lennar Homes, who could not make it work.

North Point purchased the site in June 2020 and has been working on the project since. The May 8th joint workshop between the City Council and Planning Commission was impactful. The company has solicited feedback through various channels, including social media. The May 8th workshop led to a revised plan and development agreement. Questions from the public and elected officials focused on reducing industrial space and increasing retail.

Key revisions include reducing industrial land and enhancing the development agreement. There's a formalized workforce integration plan to prioritize Banning residents' employment. The original plan from May 8th has been revised to reduce industrial costs and restrict industrial development to Planning Area 2, potentially allowing for more retail in the future. This addresses concerns from the Serrano Del Vista Homeowners Association by eliminating industrial development along Sunset Avenue fronting their development.

The project includes 66 acres of open space and a five-acre park. North Point aims to create a first-class park and will collaborate with city staff and commissioners on its design and use, considering options like soccer fields and Little League sports.

Since May 8th, the development agreement has been enhanced through conversations with City staff and legal counsel. The industrial area has been reduced from 392 acres to 358 acres, eliminating two buildings in the planning area near Serrano Del Vista. A 100-foot buffer (corrected from a typoed 50-foot buffer) has been agreed upon along Bobcat Road to address concerns from residents. A $1 million annual payment to the city will be enforced if the retail requirement is not met. The special facilities tax

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has been increased from $500,000 to $1 million annually. Questions about the fire station were raised on May 8th.

The developer addressed concerns raised on May 8th regarding the retail component, agreeing to a $1 million annual payment to the City if the promised retail is not delivered. They also committed to donating land for a fire station and providing $16 million in funding ($15 million for the station and $1 million for equipment), with the flexibility for the city to use the funds differently if the fire station isn't built or needed. A $750,000 contribution was added for downtown and small businesses, and 6.8 acres were donated for public facilities related to the Banning substation, along with $10 million in upfront funding. To address job concerns, the developer agreed to a two-week look-ahead for Banning residents for any jobs created by the project, mirroring a program in Detroit. The project, estimated at $850-$900 million (plus $50-$100 million from retailers), is expected to create 3,600 permanent full-time jobs and 3,300 union construction jobs. The developer highlighted the discrepancy between Banning's per capita income ($31,000) and Riverside County's ($51,000), noting that 91% of Banning residents commute outside the city for work, often for lower-paying jobs. The developer aims to create jobs within the community, with 60% in general warehousing (starting at $45,000/year) and 40% above that and is pursuing a workforce training program in partnership with the community college and other agencies. This concluded Mr. Miles presentation and introduced their planning representative, Tracy Zinn, to provide additional information on the project.

Tracy Zinn of T&B Planning Inc. provided an overview of the Specific Plan, emphasizing its role as a framework for development and infrastructure installation. The plan designates land uses and specifies maximum square footage, including design guidelines and development standards. The project site's location is ideal due to freeway visibility and access, aligning with the City's General Plan policies for job creation and economic opportunity. The property is separated from adjacent uses by major roads. The Specific Plan is consistent with the City's General Plan, promoting a balance of land uses (residential, commercial, industrial, open space, park) and recognizing the importance of commercial and industrial development for job creation and fiscal balance. The specific plan process coordinates these uses. The land use plan includes a general commercial area (47.9 acres) and an industrial park. Planning Area 2 (33.8 acres) will not be developed for industrial use, reducing building square footage by almost half a million square feet (from 5.5 million to under 5.1 million), and will be subject to a future entitlement process. Landscaping and buffering will be implemented along the edges of the industrial development.

Ms. Zinn’s presentation detailed the three proposed land uses, with refinements made to the commercial area since May. The permitted uses in the commercial area are now limited to retail (including big box), restaurants, and a hotel. A visual representation showed the entry point to the project at the northwest corner of Sunset Avenue and Lincoln, featuring widened roads, landscaping, and a landscaped center median. Table 3.1 in the specific plan lists permitted and conditionally permitted uses in the commercial area, which the City will consult when reviewing future development proposals. The City will ensure compliance with the Specific Plan's design details, including architecture, landscaping, signage, and lighting. The Specific Plan provides design guidelines for the commercial area, covering landscaping, screening, shading, parking design, and pedestrian activity. In the industrial park area, parcels range from 3.3 to just under 200 acres, offering flexibility for various business sizes. The city will consult the Specific Plan's table of permitted and conditionally permitted uses for each building proposal, ensuring compliance with design details. Design guidelines for the industrial park address landscaping, screening, shading, employee amenity areas, truck court orientation, and building facades, ensuring contemporary design with variations in building massing, colors, and materials.

The truck management plan, a key concern for industrial park development, requires City approval before the first industrial building's occupancy permit. It establishes a preferred truck route to the freeway (Sunset Avenue) and mandates driver education, with signs posted and lease agreements requiring compliance. The plan also prohibits truck parking and maintenance on city streets and in residential areas. Signs and flyers will be used to educate truck drivers on the designated route. The project includes 65.6 acres of open space and park areas. Planning Area 11 (12.6 acres) features a five-acre active park with various amenities and 7.6 acres of passive park area. Planning Area 12 (12.5 acres) serves as a physical separation between properties to the west and the industrial park uses in Planning Area 10. Planning Areas 13-17 (40.5 acres) preserve natural areas, including the drainage courses of Smith Creek, Pershing Creek, and the Highland Wash drainage. A rendering depicted the active park space in Planning Area 11, with potential amenities like play areas, picnic areas, and walking paths. A

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cross-section illustrated Planning Area 12 (620 feet wide), combined with Highland Home Road's right-of-way (110 feet), creating a 730-foot separation between the community and industrial uses, which will be landscaped. A complete traffic study identified required roadway improvements, including Sunset Avenue, Highland Home Road, and Bobcat. The project will dedicate right-of-way and widen Sunset Avenue from south of the I-10 interchange to Bobcat Road (4,300 feet). Two traffic signals will be installed at Sunset's intersections with Lincoln and Sun Lakes Boulevard, and power poles will be relocated by the developer. Visuals showed the existing and proposed conditions of Sunset Avenue, with two travel lanes in each direction, a landscaped center median, and sidewalks. The centerline of Sunset Avenue will be shifted into the Sunset Crossroads project, creating a 17-foot landscape buffer for the Serrano Del Vista community.

The Specific Plan identifies locations for four potential municipal facilities (totaling 6.75 acres), to be conveyed to the City at no cost. This includes a 1.8-acre site for a potential future electrical substation in Planning Area 7, with $10 million in upfront funding for design, permitting, and construction. A 2.3-acre site will be conveyed for a potential reverse osmosis water treatment facility, and a one-acre site for the fire station, co-located with the water reservoir site (also one acre) in Planning Area 3. The project complies with the California Environmental Quality Act (CEQA), requiring public disclosure of all environmental impacts. The city is fully informed of environmental consequences and mitigation measures. The EIR analyzed 20 environmental topic areas, with significant and unmitigable impacts identified in transportation, air quality, greenhouse gas, and noise. The transportation impact relates to vehicle miles traveled (VMT). The project aims to reduce trip lengths by bringing jobs to the community. However, due to the region's size, a significant and unmitigable VMT impact is common. Mitigation efforts include carpool programs, transit passes, sidewalks, and bike lanes, but influencing human behavior is challenging. A significant unmitigable regional air quality impact is also common for projects of this size. The South Coast Air Quality Management District sets low significance thresholds to maximize mitigation. There are no unmitigated health risks associated with air pollutants, and the project aligns with the City's climate action plan, achieving 586 points against a minimum requirement of 100.

The project implements various features to reduce air quality impacts, including electric cargo handling equipment, restricted truck idling (3 minutes), electric vehicle charging stations (for both passenger cars and trucks), and building design elements. Industrial buildings will not use natural gas, and reclaimed water irrigation and Energy Star appliances will be used. The presentation aimed to demonstrate how the Sunset Crossroads Specific Plan helps the City achieve its general plan vision and benefits residents. The project combines uses identified in the General Plan as beneficial, in a location consistent with the plan's goals. It will create a commercial destination, increase sales and property tax revenue, and provide thousands of jobs, allowing residents to work closer to home. The developer will construct several general plan roadway segments at no cost to the City and contribute millions of dollars towards City roads and public infrastructure, representing a significant investment in the City's future. The Applicant team requested the Planning Commission recommend approval of the applications and CEQA documentation, with the following modifications: prohibit industrial park development in planning area two, commit to commercial retail uses in the retail planning area, reduce the amount of allowed commercial retail development by 44,647 square feet, prohibit cold storage warehouse uses in the industrial park, and increase the acreage to be conveyed to the City at no cost for public facility sites from 5.3 to 6.75 acres. These changes will reduce environmental impacts and vehicular traffic. A CEQA compliance memo analyzing these changes was included in the packet. This concluded Ms. Zinn’s presentation.

Chair Dale asked for a show of hands from audience members who wished to speak without filling out a speaker card. Chair Dale stated that the speaking time would remain at five minutes per speaker, encouraging speakers to avoid repetition and be concise.

Chair Dale opened Public Hearing at 7:26 p.m.

Juan Serrano, representing LIUNA, expressed strong support for the Sunset Crossroads Project, highlighting the potential for good-paying jobs, community benefits such as new restaurants, a grocery store, office spaces, entertainment options like rock climbing and trampoline parks, and 65 acres of open space, including a five-acre community park. He emphasized North Point's commitment to partnering with the community and urged the commission to approve the project as an investment in the people and future of Banning.

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Amy Smith, representing CARE California, voiced support for the Sunset Crossroads Project, emphasizing its potential to boost the City of Banning's economy. She cited an estimated $40 million in new net revenue over the next 20 years, support for local education, downtown beautification, and expansion of community park space. She stated that the developer has gone above and beyond to assure that this project brings jobs, infrastructure updates, and community betterment.

Inge Schuler, a Banning resident, expressed skepticism about the promised benefits, referencing the unfulfilled promises of the Skechers warehouse project. She criticized the prioritization of warehouses over commercial development in the Specific Plan and raised concerns about increased truck traffic on Sunset Avenue and Sun Lakes Boulevard, citing Appendix E of the EIR and Caltrans warnings about I-10 interchange impacts. She also questioned the adequacy of the fire station dedication and the long-term costs to the City, as well as the water supply issues related to warehouse development. She stated that the I-10 interchange is inadequately mitigated.

Omar Cobian, representing the Carpenters Union, spoke in favor of the project, highlighting the need for job opportunities in Banning and the importance of creating opportunities for young people to work close to home. He addressed criticism about union support for warehouse projects, explaining that such jobs are more readily available than union jobs in residential construction. He urged city officials to encourage developers to work with union representatives and emphasized the importance of supporting developers who support union labor.

Tim Hanratty, a Banning resident, acknowledged the compelling presentation but argued that warehouses are inappropriate between residential areas. He suggested placing the park on the Sunset side of the development and emphasized the need for low to medium-density housing to meet state mandates, rather than more warehouses, referencing the empty Skechers warehouse and planned warehouses on the north side.

Howard Katz, a Sun Lakes resident, voiced strong opposition to the project, drawing a parallel to the rejected Banning Point warehouse project and its impact on seniors. He expressed concerns about diesel particulate emissions and noise from warehouse operations affecting the health of residents, particularly those with respiratory issues like his wife.

Bill Hobbs, a 23-year resident of Banning and Sun Lakes, stated that he is not against warehouses in general, but emphasized that location is crucial. He argued that the proposed location is unsuitable due to its proximity to Sun Lakes and Serrano Del Vista, disrupting the lives of seniors who moved to Banning to escape congestion and pollution.

John Hagen, a City of Banning resident, expressed skepticism about the project's promised benefits, describing them as "pie-in-the-sky." He argued that the focus is primarily on warehouses, with the touted amenities representing only a small portion of the project. He questioned the 4,000-job projection, citing empty warehouses in the area and the impact of automation. He suggested that residential development would generate more sustainable revenue and criticized the proposed fire station expenditure. He also noted the removal of certain amenities from the project plans.

Ron, a Zoom participant, argued that the warehouse proposal is ill-suited for its location, questioning the best use of the land given its proximity to residential areas. He suggested prioritizing residential zoning with 21st-century amenities and enlarging retail and commercial uses. He stated that warehouses should be concentrated in East Banning near the airport. He also raised concerns about the long-term revenue sources from property and sales taxes, citing Beaumont's experience and the potential impact of AB9.

Virginia Cervantes, a Zoom participant, questioned why Banning couldn't have the same development as Beaumont and expressed concerns about increased traffic and safety issues, particularly near senior communities. She criticized the developers for making promises but ultimately prioritizing warehouses for their investors, rather than building retail or medical offices that would benefit the community.

Kelly Renteria, a Zoom participant, compared the project to the Hillwood project, noting that Hillwood had contracts lined up in Texas, unlike the Banning proposal. She emphasized the need for definite contracts and long-term job commitments, rather than projections and estimates, to alleviate community skepticism about empty warehouses.

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Carol Shearman, a Serrano Del Vista resident, said there were omission during a presentation to residents, specifically regarding the planned high-density housing on 41 acres surrounding Serrano Del Vista. She stated that this information was not disclosed and that many residents are unaware of the plan.

Linnea Hagen, a City of Banning resident, expressed strong skepticism about the project's promises of restaurants, stores, and jobs, suggesting that only those paid to do so support the plan. She stated that Banning needs rooftops that bring in money, suggesting ranch-style homes and retail development instead of warehouses.

Sue Savage, a Banning resident, echoed concerns about empty warehouses and questioned the City's plan if the project turns into another Skechers with no revenue.

Fran Hanrati questioned the percentage of land dedicated to warehouses and emphasized the need for responsible, visionary planning. She expressed concern about the proximity of the industrial park to Sun Lakes and the potential impact on its residents. She also raised the issue of the City's non-compliance with state housing mandates and advocated for more housing in the project.

Evan, member representing over 6,000 LIUNA members in Riverside County, voiced strong support for the project, emphasizing the potential for local jobs, infrastructure improvements, transportation enhancements, community leisure, and economic benefits. They highlighted the developer's commitment and the potential for a $1 billion investment, urging the commission not to dismiss the project lightly.

Frank Connelly voiced opposition to more warehouses, citing existing empty warehouses and the obstruction of mountain views.

Richard McHard a resident of Sun Lakes, echoed concerns about warehouses, highlighting potential issues with empty warehouses, increased truck traffic, pollution, noise, and negative impacts on residential areas and emergency services access. They questioned the removal of medical offices and health clubs from the plan while retaining warehouses, emphasizing unmitigated environmental impacts on senior living communities and advocating for alternative uses like housing.

Amy Pippinger, a 50-year resident, questioned the proposed stoplights at Sun Lakes Boulevard and Highland Home and expressed skepticism about the project, citing past failed promises from developers and urging the commission to adhere to existing zoning plans. Emphasized the value of open space, clean air, and clean water for future generations, arguing that these are more precious than the touted benefits of the project.

Robert Lugen representing local 416 reinforced iron workers, expressed support for the project, emphasizing the creation of union jobs and the opportunity for veterans to learn a trade and support their families.

Salvador Amezquita representing the Western States Regional Council of Carpenters, also voiced support, highlighting the benefits of local employment, family time, and community growth, noting the developer's commitment to utilizing union labor.

Lilly Aguilera expressed a changing perspective, acknowledging the City's desperate need for revenue to improve Code Enforcement, address unsightly properties, and support services for the homeless. While initially supportive due to landscaping considerations and the developer's cooperation in moving building number five, emphasizing the need for revenue generation.

Diego Rose questioned the assumptions of growth, citing global population decline and the lack of a clear source for new business. Argued that existing resources should be sufficient and cautioned against changing zoning to benefit developers, referencing the Atwell project's unmet promises. Also challenged the feasibility of attracting restaurants and grocery stores due to the City's demographics and low average income, suggesting that Banning is primarily a bedroom community and that the proposed development would not change this.

Ivan Esparza an Ironworker Local 433 member and Banning resident, expressed support for the project, emphasizing the need for local job creation to avoid long commutes.

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Stuart McKenzie a Banning resident, opposed the project, citing existing empty warehouses, increased traffic, pollution, and the proximity of the proposed warehouses to senior citizen residences. Urged the developer to reconsider the project and focus on building housing.

Juanita Diaz, a Banning resident from District 2, voiced strong opposition to the warehouses, emphasizing the long-term negative impacts on the community and future generations. Criticized past decisions that have led to the City's current state and argued that the warehouses would not benefit the community, urging the commissioners to convey the community's opposition to the City Council.

Peggy Murphy, a 35-year Banning resident and former teacher, criticized the project's promotion through a misleading cartoon and highlighted the community's consistent opposition to warehouses. Argued against high-density housing, advocating for residential development that aligns with the community's rural character and provides more space for gardens and other amenities. Also noted the negative impact of past developments on mountain views and urged the commission to prioritize the City's needs over those of developers.

Dorrie Gartzke urged the Commission to make decisions that benefit the citizens of Banning, not personal gain.

Jackie Renteria, a lifelong Banning resident with 20 years of experience in retail and restaurant management, questioned the projected job pay rates, arguing that they are not significantly higher and that companies prioritize minimizing labor costs. Also raised concerns about increased traffic congestion and the wear and tear on roads caused by semi-trucks.

Max Diego outlined a framework for evaluating the project based on infrastructure, environmental impact, impact on residential communities, tax revenue, and job creation, assigning percentage weights to each category. Based on this framework, he concluded that the project should fail due to its negative impacts. Also cautioned against giving too much weight to comments from non-residents.

Chair Dale sought clarification on the number of written comments received, with staff confirming 170 letters in support and 25 in opposition.

Chair Dale closed public hearing at 8:55 p.m.

Commission Discussion:

Chair Dale asked if the Commission has questions for staff.

Commissioner Castorena will hold his questions for the developers.

Chair Dale wants clarification on the proposed changes in the commercial area and planning area on Sunset opposite Serrano Del Vista, noting a 10% reduction in industrial square footage but a 44% reduction in truck trips according to the supplemental environmental analysis, which she couldn't follow the math on. Staff suggests the traffic consultant can provide clarifications on the truck trip reduction.

Chair Dale asks about outreach or input from Riverside County regarding the area outside the city limits. Staff states that there has been no outreach in the past year, but the project has been in process for four to five years, so there may have been outreach before.

Chair Dale points out inconsistencies in the documents regarding the LAFCO process for annexation, with some stating that the process has started and others saying it will start. Staff clarifies that the City reached out to LAFCO in the past and was directed to complete the pre-zoning process, which requires City Council approval before a formal application is processed with LAFCO.

Chair Dale notes that the county mapping system shows an active ag preserve for some of the project limits, but the project record refers to a communication from the county stating those contracts had been canceled. She asks for clarification. Staff suggests this question is for the Applicant, mentioning that the City has consultants who peer-reviewed the documents.

Chair Dale inquires about existing City commercial vehicle route designations, asking which roads project traffic is on are currently designated routes and what is required to modify that resolution. Staff explains that the current truck route system does not include roads in the area because the roads don't exist yet. They mention that modifications would be needed and that provisions allow for local serving regardless of truck route designation, using a grocery store as an example.

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Chair Dale asks if there are any circulation element amendments as part of the General Plan Amendment. Staff states that the Specific Plan proposes roadway sections generally consistent with the current circulation element and the City's General Plan Amendment. And will check if the proposed sections require companion amendments. Chair also asks about trail designations, noting the parks master plan shows a trail through the eastern and northern parts of the project area, but she found no specific designation in the documentation. Staff agrees to recommend consistency with the General Plan as a condition if the project moves forward.

Chair asks if any other General Plan Amendments have been done this year. Staff responded that none have been done. She then expresses concern about the commitment on not building industrial in Planning Area 2 and instead processing a future amendment, given the need for CEQA. She understands that the area will still be designated for industrial use tonight, with a commitment from the developer not to build any buildings on that site and to later apply to change it to commercial.

Staff confirms that the Specific Plan shows a combination of commercial and industrial, with industrial areas designated in purple. The development agreement includes a commitment from the Applicant not to build industrial in Planning Area 2 (adjacent to Sunset) until they process a request to change the specific plan, which would require Planning Commission and City Council approval.

Chair Dale notes that the supplemental CEQA memorandum mentions some square footage of industrial space in that planning area and asks if she should hold that question for the Applicant. Staff agrees. She then expresses difficulty understanding the project benefits in the development agreement and requests a summary, particularly differentiating between what's required anyway versus what's over and above, and separating benefits within and outside the city.

Chair Dale notes the development agreement's commitment to try to get the annexation done within five years but also notes provisions to extend it and an "out," meaning there's no firm commitment. She asks for clarification on the annexation commitment, as it's core to the override for unavoidable environmental impacts. She also finds the reimbursement provisions and tax sharing agreements unclear, noting the developer gets 30% of tax revenue up to a certain amount. Staff confirms the Applicant has the option to exercise a tax rebate reimbursement.

Chair seeks clarification on improvements on Sunset south of Westward, where an exhibit indicated only right-of-way dedication and no improvements. Staff clarifies that at project build-out, all required roadways surrounding the project would be dedicated and constructed to city standards. However, allowances exist for dedication without immediate improvements depending on building sequencing, with full roadway construction and dedication required at completion of the project.

Chair Dale asks about the intent for the crossing over the channel, and staff indicates it would likely be a bridge structure similar to the one at Sun Lakes Boulevard, subject to engineering design and environmental permitting. She also raises two questions from the public: a visual of warehouse coverage and whether there would be a signal at Sun Lakes Boulevard and Highland Home.

Staff refers to conceptual site plans and the tentative subdivision map for potential building locations, noting that specific plans are more general and provide a regulatory framework. Industrial buildings are limited to 60% lot coverage and a 60-foot height maximum. Regarding the intersection of Sun Lakes and Highland Home, staff states that the traffic study and conditions of approval indicate stop control will be required. The intersection will have stop control, assuming it meets the warrants for four-way stop control (speed, volume, traffic, minor delay). Chair asks about the 170 comments in support, inquiring how many were auto generated from Sunset Crossroads versus individual ones. Staff confirms the majority were generated by Sunset Crossroads

Commissioner Phelps expresses confusion about the LAFCO process timeline, recalling a conversation about approving the plan, zoning, and LAFCO sequentially. She questions the five-year timeline for areas south of Sun Lakes Boulevard/west of Westward. Staff clarifies that the five-year timeline relates to the development agreement's effective date, which is tied to the LAFCO process completion. The development agreement becomes effective regardless if the LAFCO process is finalized within five years.

City Attorney clarifies Section 4.2 of the development agreement, stating it becomes operative on the southern portion of the property upon LAFCO approval and recordation of the certificate of completion. If LAFCO denies annexation, the parties will negotiate in good faith to preserve the agreement. The public

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benefits obligations are not contingent upon annexation and would go into effect according to their terms once the project is approved.

Commissioner Phelps asks when the fire station and electric grid would kick in. The City Attorney clarifies that these are not contingent on the annexation.

Commissioner Castorena expresses gratitude and began asking questions. He starts with air quality and community health, asking if project emissions are still over clean air limits and if it conflicts with the regional air plan (AQMP). Staff confirms there will be significant air quality impacts and refers to the Applicant's CEQA consultant for specifics. He asks who is most affected near the site, specifically mentioning Sunset Avenue residents. Staff again refers to the Applicant's EIR analysis. He then asks if greenhouse gas emissions are still above the threshold. Staff confirms they will exceed thresholds.

Commissioner Castorena states the GHG number is 38,875 versus the 3,000 threshold, resulting in a significant and unavoidable impact. He asks if added measures can get GHG under the limit before approval. Staff confirms that with the project as currently proposed, the answer is no. He asks about traffic and vehicle miles traveled (VMT) regarding SB 743, inquiring how far over the city's VMT standard the project is. He states it's 18.5% over, with VMT/employee at 30.7 versus the 25.9 threshold. He asks what it would take to comply with VMT before entitlements. Staff confirms the numbers and states that reducing the project would be necessary.

Commissioner Castorena asks about construction noise on Sunset and whether a noise barrier can be built in the city right-of-way. Staff mentions a proposed noise barrier on the south edge of the project and suggests the Applicant address additional noise barriers. He notes that the barrier's feasibility in the ROW is undetermined and sunset construction noise is significant and unavoidable.

Commissioner Castorena asks about daily trips and truck trips at full build-out. Staff confirms roughly 16,000 total daily trips, including about 1,848 truck trips a day. He asks how offset truck routing will be enforced. Staff explains that while enforcing routing for unfamiliar vehicles is difficult, infrastructure can be designed to discourage trucks from heading west on Sun Lakes Boulevard towards Highland Springs upon exiting a site within the project. This includes narrow left turn lanes and wider right turn lanes. Education and knowledge will also play a role. Commissioner Castorena asks if this would be part of the Truck Route Management Plan (TRMB), and staff confirms it was discussed

Commissioner Castorena notes that a condition restricts trucks on Highland Home Road south of the SLB extension, but the record doesn't specify detailed enforcement tools or penalties. He asks staff to summarize the concerns of outside agencies like CARV, DOJ Bureau of Environmental Justice, SCAQMD, and CDFW. Staff suggests the environmental consultants can describe those.

Commissioner Rodriguez asks when Highland Home Road will connect east and west with Sunset. Staff explains that the timing of the Highland Home Road connection depends on the project's phasing, with requirements varying based on which planning area moves forward first. Commissioner asks if there's a set of particular points upon which this will occur, or if it's still pretty flexible. Staff clarifies that the conditions of approval are set up based on development area, dictating what infrastructure is required to support each phase. Commissioner asks if Sun Lakes would have to be through before getting to area 14, for example. Staff confirms that Sun Lakes would generally need to be constructed to provide secondary fire access. Commissioner Rodriguez asks if the Sun Lakes Boulevard Extension is scheduled. Staff clarifies that each development phase dictates how much of Sun Lakes Boulevard has to be constructed, allowing for partial construction. The commercial site, however, would not require Sun Lakes access.

Commissioner Castorena asks if the GPA findings can be lawfully made given the AQMD conflict, VMT exceedance, and sense of construction noise. Staff states that it is the Planning Commission's discretion. The City Council has the final decision, but if the Planning Commission and City Council believe they have findings for CEQA and statements of overriding considerations, they can make the findings in support of the General Plan Amendment. Commissioner Castorena points out the staff report documents significant and unavoidable impacts, undermining internal consistency and no judgment findings, and asks if they are being asked to rely on the Statement of Overriding Considerations (SOC). Staff confirms this is correct.

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Commissioner Castorena asks what happens if the project misses the VMT target after opening. Staff states that it shouldn't happen if the analysis is accurate, relying on professional understanding of impacts. CEQA aims to evaluate the greatest extent of impacts, and if the project is built to its full extent, it shouldn't exceed the analyzed VMT. CEQA mitigates and identifies the greatest extent of impacts, and most projects don't get built to that full extent.

The City Attorney clarifies that if impacts cannot be fully mitigated (like greenhouse gas emissions), the Planning Commission or City Council can adopt a statement of overriding considerations, acknowledging the impacts but determining that other benefits to the city outweigh them. This is a legislative action, giving the City Council broad discretion.

Commissioner Castorena asks if the developer committed to using union labor, as mentioned by a public speaker, and if that's stipulated in the developer agreement. The City Attorney confirms it is not.

The Commission began asking the Applicant questions. The Applicant responds by discussing the Inland Empire's industrial market, addressing concerns about empty warehouses, specifically the Skechers warehouse, which is vacant due to a foreign trade zone issue, not a lack of demand. The Applicant emphasizes their long-term commitment to the community and takes offense to suggestions of dishonesty.

Clarification is provided regarding modifications made to the project, including the removal of cold storage to reduce traffic. The discussion covers the balance between big box and small retail, with the applicant highlighting the million-dollar penalty for not including a big box retailer. The Applicant states they have a letter of intent (LOI) with a large grocery retailer and expects a purchase sale agreement by October. The Applicant addresses public comments about the park's location, with the Applicant offering to move it as requested. The need for a fire station and emergency services is discussed, along with traffic issues on Sun Lakes Boulevard.

The applicant elaborates on their retail strategy, focusing on attracting restaurants and making the big box retailer a draw. They emphasize their commitment to saying "yes" to the City's requests and acknowledge the challenges posed by the area's demographics.

The applicant explains the construction timeline, prioritizing retail development, including Lincoln Avenue and the big box retailer. They discuss the importance of annexation for financial viability and delivering on promised infrastructure and community benefits.

The impact of reducing industrial space on the retail component is discussed. There's a debate about the number of warehouses in the revised plan, with differing counts presented.

The applicant outlines the timeline for warehouse construction, stating the first warehouse (Building 7) will be built between Sun Lakes and Lincoln. The Applicant explains the reasons for prioritizing this building and the infrastructure considerations. The Applicant clarifies that while they haven't actively sought tenants due to uncertainty about project approval, they have a large pool of potential tenants.

The applicant confirms they don't have a commitment for the hotel yet but anticipates progress in the near future. The discussion transitions to the incentives being offered to Banning, with a request for a detailed schedule of payments.

John Condas of Allen Matkins, the applicant's attorney, outlines the payment schedule for various fees and public benefits under the development agreement (DA), including payments for the fire station, public benefit fee, beautification fee, and substation fee. Specific timelines and amounts are provided.

The applicant’s attorney continues detailing the payment schedule, clarifying timelines for the beautification fee and substation fee. A commissioner seeks a general understanding of when the city would be satisfied with the incentives. The applicant estimates that 75-80% of the upfront funding will be received within the first three years.

The applicant’s attorney emphasizes that the City will receive $2.5 million in the first year, regardless of construction progress. The Applicant acknowledges that the payment schedule is heavily weighted in the City's favor.

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A "travel center" is clarified to not be a truck stop, as that use has been eliminated. The Applicant's attorney clarifies the tax sharing agreement, explaining that North Point's reimbursement is limited to the cost of constructing Sun Lakes Boulevard (which the city is doing) and 46% of the substation payment.

The applicant explains that they are essentially funding the entire substation upfront, even though they only need 54% of its capacity, and will be reimbursed for 46% over time.

The applicant confirms their commitment to maintaining the green zones through an association, even after the warehouses and commercial properties are leased. The applicant's attorney reiterates the benefits of the special tax, which will provide the city with a million dollars annually, escalating by 1-5% each year. The applicant notes that the special tax increased from 10 cents to 20 cents since the May 8th presentation.

Commissioner Phelps seeks clarification on changes to the project that aren't yet reflected in the specific plan and DA documents. Questions on how a 10% reduction in the project translates to a 44% reduction in trips and seek clarification on the status of the hotel. The Applicant confirms the hotel is still included in the project.

The applicant's traffic consultant, Urban Crossroads, explains that the 45% reduction in truck trips is due to changes in land use, with the elimination of high truck-generating uses like cold storage and the travel center. The reduction in heavy truck numbers is attributed to the removal of these uses, particularly the cold storage use.

The discussion focused on the changes in truck traffic due to revisions in land use, particularly the reduction in heavy truck numbers from 3,300 to 1,848, primarily due to the elimination of cold storage and the travel center. The supplemental analysis concluded that while impacts were reduced, significant unavoidable impacts remain for air quality, greenhouse gas emissions, noise, and traffic. Concerns were raised about the lack of a comprehensive exhibit summarizing the transportation system and truck volumes, especially on Sunset Parkway. The commitment states that all trucks will use Sunset Avenue.

The applicant's environmental consultant clarified that the modified project trip generation assessment only demonstrated reduced trips compared to the original project. Truck numbers from the original traffic study were provided, indicating 3,044 truck trips per day north of Lincoln and 1,781 between Lincoln and Sun Lakes. The removal of the truck stop significantly reduced truck trips past Lincoln. Buildings on the southern end would use both Sun Lakes Boulevard and Bobcat for access, with approximately half of the truck trips using Bobcat up to Sunset.

Mr. Jenkins, VP of Development said the fire hazard evaluation was based on old maps and hasn't been updated. The landscape buffer on Bobcat will be implemented within existing planning areas, treated as a streetscape or landscape feature.

A request was made by Chair Dale to display a developments matrix showing an aerial base with building layouts for public viewing. It was clarified by the Environmental Consultant that the Specific Plan does not include approval of building footprints, and the City staff will conduct a thorough review of landscaping, architecture, building height, colors, signage, and lighting when individual buildings are proposed. Director Newell said the tentative map shows potential building locations, but the final map will not.

The applicant said Planning Area 2, initially planned for a warehouse, will be converted to commercial retail due to concerns from residents of Serrano Del Vista. City Attorney Patterson said the development agreement states that no warehouses or industrial uses will be constructed in Planning Area 2. The owner will evaluate and use its best efforts to implement additional commercial development, submitting a market feasibility study and an initial plan for review with the City. This is a "best efforts" clause, not a guarantee.

Mr. John Condas said a commitment to retail in Planning Area 2 could not be guaranteed at this point because it would have required a heavy-duty modification of the EIR, which addressed industrial use, not retail. The developer intends to pursue retail development in line with city preferences and the DA's requirement of a minimum of 100,000 square feet of retail.

The applicant said the development agreement includes an 8.6% reduction in industrial square footage. The public benefit fee was calculated at $1.58 per square foot, and the upfront $10 million was calculated at $1.97 per square foot, totaling $3.55 per square foot. The question was raised whether these figures

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are indexed to protect buying power. The public benefit numbers are not subject to escalators for cost-of-living increases. The special tax, used for maintenance, starts at 20 cents per foot and increases between 1 and 5 percent annually. This special facilities tax is in perpetuity. The retail timing penalty was discussed, with clarification that there are no loopholes, although force majeure events could be considered. The public benefit numbers are not subject to escalators for cost-of-living increases because they are anticipated to be paid in a relatively short timeframe.

The applicant does not intend to take 30 years to build out the project. Some payments have a drop-dead date, with a five-year limit after the clock starts ticking. The contribution for the fire station payment has specific timelines: $1.5 million within six months of the effective date, and the remaining $13.5 million 60 days after the city gets all approvals for the fire station. If the City chooses not to build the fire station, the entire $15 million is due within five years. The fire station payment is payable in tranches based on occupancy of the project, but no later than five years. The payments are not indexed. The developer felt that the 20 cents per square foot special tax, the land donation, and the interest-free loan for the substation justified not including a COLA or CPI on other items.

Most payments are based on occupancy, not building permits, including the public benefit fee. The beautification fee and substation fee are based on time, not permits. The fire station payment is also not based on permits. The automatic remedies for late payments or improvements were discussed. The City can declare a default under the development agreement and pursue a lawsuit for specific performance if payments are late. The possibility of permit holds, or daily liquidated damages was raised. The development agreement does not explicitly state that building permits can be withheld for late payments, requiring analysis of the municipal code.

The possibility of stipulating permit withholding in the DA was discussed. The applicant agreed to a cure period before permits are withheld. Language will be added to the DA stating that the City has the right to withhold building permits if any amount due under section five is not paid on a timely basis, following a notice of default and a cure period.

The land donation of 6.8 acres was discussed by the applicant, with an estimated appraisal value of $6 million. There are no known title encumbrances or use restrictions. The right-of-way is separate from the 6.8 acres. The discussion then turned to the quarterly job fairs and the desire for local hiring. The possibility of setting local hire percentage targets was discussed. The applciant expressed willingness to conduct outreach but raised concerns about the legality and potential for discrimination in requiring specific percentages. Legal counsel confirmed that there are legal issues with requiring a certain percentage of local hires.

Concerns were raised by Commissioner Castorena about discrepancies in the payroll math, with the slide claiming 3,591 permanent full-time jobs with $60 to $70 million in annual wages, while another source listed an average annual wage of $50,500, which would equate to $181 million per year.

The applicant acknowledged the typo in the $60 to $70 million figure. The Applicant stated that the minimum wage in Riverside County is $16.50 an hour, and the entry-level general warehousing position starts at $21.50 an hour ($44,782 annually). Commissioner Castorena pointed out that comparing wages to Banning's per capita income is an apples-to-oranges comparison. The entry-level wage is only 43% above the per capita income, not 60%. The commissioner requested the median wage for entry-level roles with benefits and the number of such positions guaranteed.

Commissioner Disclosures Regarding Project Contacts and Site Visits:

Commissioner Marshall met with Mr. Miles and Company at City Hall, discussing topics similar to those discussed in the meeting, and drove by the site multiple times. Commissioner Rodriguez also met with Mr. Miles to review the numbers presented, as they missed the May 8th meeting, and has driven by the site frequently. Commissioner Phelps received an email invitation for a meeting but did not reply due to illness and has driven by the site numerous times. Commissioner Castorena met with Applicant to understand the DA's progression since the May 8th workshop and has driven by the site extensively. Chair Dale declined meeting invitations, preferring public forums, and drove the perimeter areas, including the Sunset interchange, to assess the area.

Chair Dale Opened the floor for a motion.

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Commissioner Marshall moved to adopt Resolution 2025-10, seconded by Commissioner Rodgriguez recommending City Council conditionally approve the Sunset Crossings entitlements, including the specific plan, general plan amendment, zone change, development agreement, tentative parcel map, and certify the final environmental impact report.

City Attorney clarified that the development agreement had been modified with redlining, adding a sentence to Section 8.4 drafted by the developer's attorney regarding the city's right to withhold building permits for unpaid monetary amounts.

Director Newell noted that the 100-foot setback along Bobcat Road was incorrectly identified as 50 feet in the DA.

Commissioner Castorena wanted to make a substitute motion, but City Attorney stated that there was already a motion and a second.

Chair Dale expressed concerns about changing the residential area to industrial, the residual significant impacts, and inconsistencies with the general plan, truck route, trail plans, and parks master plan. Stated that she could not support the findings for the General Plan Amendment, rendering the rest of the package moot.

A vote was called.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena		*X*			
Dale		*X*			
Marshall	*X*				
Phelps		*X*			
Rodriguez	*X*				

The motion failed due to 2 in support and 3 opposed.

Director Newell explains that based on the failure of item 4.1 by a vote of 2 in support and 3 opposed, the Commission’s recommendation of denial will be forwarded to the City Council.

Director Newell outlines the procedural guideline section 10.9 regarding the 10 p.m. curfew, stating that new matters taken up after 10 p.m. require a unanimous vote to proceed.

4.2 Consideration of an Application by the City of Banning, CA for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22 -3502) to Amend the Land Use Designation and Zoning of Approximately 41 acres of Land Owned by Mount San Jacinto Community College District Located Near the Southeast Corner of Westward and Sunset Avenues from PF–S (Public Facilities-Schools) to Very High Density Residential (VHDR) to Transfer Density of Not Less Than 1,146 Residential Units from the Sunset Crossroads Specific Plan.

Recommendation: Adopt Resolution 2025-09, Recommending City Council Approve General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502)

Director Newell presents the Commission's options regarding item 4.2, noting that proceeding depends on the number of public comments. He clarifies that item 4.2 is a separate application.

Commissioner Castorena questions the point of proceeding with 4.2 if 4.1 isn't approved.

Director Newell elaborates that state law mandates cities cannot have a net reduction in density, requiring a corresponding application (like 4.2) to upzone density when downzoning occurs (as proposed in 4.1). He emphasizes that 4.2 requires a separate action and decision, regardless of the outcome of 4.1.

Chair Dale seeks a motion to continue the meeting past the curfew. David clarifies that without a motion; item 4.2 will be moved to the next agenda on October 1st.

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Commissioner Phelps makes a motion to continue past the curfew and hearing Item 4.2, which is seconded by Chair Dale.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena	*X*				
Dale	*X*				
Marshall		*X*			
Phelps	*X*				
Rodriguez	*X*				

Director Newell announces that the motion fails because it requires a unanimous vote. Item 4.2 will be scheduled for the next regular meeting.

5. ADJOURNMENT

Meeting adjourned at 12:06 a.m.

Minutes prepared by:

Sandra B. Calderon
Recording Secretary

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banningca.granicus.com/player/clip/235?view_id=1&redirect=true 1 of 2

https://banningca.granicus.com/player/clip/236?view_id=1&redirect=true 2 of 2

All documents related to this meeting are available here:
https://d3n9y02raazwpg.cloudfront.net/banningca/e8766d74-7b7d-11f0-a766-005056a89546-38305488-93fe-4918-9dd7-c67857e7b6c7-1757105583.pdf

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MINUTES

PLANNING COMMISSION - SPECIAL MEETING
CITY OF BANNING, CALIFORNIA

November 17, 2025
5:30 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

1. CALL TO ORDER – 5:30 p.m.

1.1 PLEDGE OF ALLEGIANCE
1.1 ROLL CALL

COMMISSIONERS	PRESENT	ABSENT
Castorena, Chris		X
Dale, Kathleen	X	
Marshall, Al	X	
Phelps, Gerry	X	
Rodriguez, Nathaniel	X	

2. PUBLIC COMMENTS

Chair Dale opened public comments.

- **Inge Schuler** requested that the list of Commissioners present be included in the minutes as well as when they show up.
- **Howard Katz** resident of Sun Lakes was the president of Pass Action Group, hopes that Sunset Crossroads project won't come to fruition.

Chair Dale closed public comments.

Director Newell said there are some additional changes that were presented by the Chair and suggested to remove both consent items for discussion before taking any action.

Motion to move the consent items to the end of the agenda by Commissioner Marshall.

COMMISSIONERS	*YES*	*NO*	*ABSTAIN*	*RECUSE*	*ABSENT*
Castorena					*X*
Dale	*X*				
Marshall	*X*				
Phelps	*X*				
Rodriguez	*X*				

Motion Carried 4-0-1 motion passes, Castorena absent.

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3. CONSENT AGENDA

3.1 Adoption of Resolution 2025-015, A Resolution Recommending City Council Deny the Sunset Crossroads Project Applications, including General Plan Amendment No. 20-2501, Specific Plan No. 20-2002, Tentative Parcel Map No. TPM 38118, and a Development Agreement for the Development of Industrial and Commercial Uses on a 533.8-acre Project Site Located South of Interstate 10 and the Union Pacific Railroad, and West of Sunset Avenue, including 253.7 Acres Located in Unincorporated Riverside County; and Reject Certifying the Final Environmental Impact Report (SCH 2021020011).

Recommendation: Adopt Resolution 2025-015.

3.2 Adoption of Resolution 2025-016, A Resolution Recommending City Council Deny an Application by the City of Banning for a General Plan Amendment (Case No. GPA 22-2502) and a Zone Change (Case No. ZC 22-3502) to Amend the Land Use Designation and Zoning of Approximately 41 acres of Land Owned by Mount San Jacinto Community College District Located Near the Southeast Corner of Westward and Sunset Avenues from PF–S (Public Facilities-Schools) to VHDR (Very High Density Residential) to Transfer Density of Not Less Than 1,146 Residential Units from the Sunset Crossroads Specific Plan.
Recommendation: Adopt Resolution 2025-016.

4. PUBLIC HEARING

4.1 Consideration of a Request by the City of Banning for a Zone Text Amendment Application to Amend Chapter 17.88, Non-conforming Uses and Structures.
Recommendation: Adopt Resolution No. 2025-17.

Director Newell presented a staff report on a Zone Text Amendment application to amend Chapter 17.88, Nonconforming Uses and Structures. The proposed amendment allows greater leniency on residential structures damaged by catastrophe. The amendment removes the two-year time limit for reconstruction or repair.

Director Newell confirmed that the two-year time frame is being removed and it applies citywide.

Public Hearing was opened by Chair Dale at 5:45 p.m.
No public Comments
Public Hearing was closed at 5:46 p.m.

Motion to approve and adopt resolution 2025-17 was made by Commissioner Marshall, Seconded by Commissioner Phelps.

COMMISSIONERS	***YES***	***NO***	***ABSTAIN***	***RECUSE***	***ABSENT***
Castorena					*X*
Dale	*X*				
Marshall	*X*				
Phelps	*X*				
Rodriguez	*X*				

Motion Carried 4-0-1) motion passes, Castorena absent

Commissioner Castorena arrived at the meeting at 5:52 p.m.

4.2 Tentative Tract Map No. 39259 (PTM25-0004) and Design Review No. 25-0008 (PDR25-0008)

Recommendation: Staff recommends that the Planning Commission continue this Public Hearing item to the regularly scheduled meeting of December 3, 2025.

4.3 Tentative Tract Map No. 39262 (PTM25-0005)

Recommendation: Staff recommends that the Planning Commission continue this Public Hearing item to the regularly scheduled meeting of December 3, 2025.

Items 4.2 and 4.3, related to the Atwell development:

Director Newell said the applicant requested items be continued to the December 3rd meeting due to pending details on conditions.

Chair Dale opened public comments.

- **Frank Connelly** inquired about fixing links to the documents.
- **Isaac Aguirre** expressed concerns about traffic in the Atwell community.

Chair Dale closed public comments.

A motion was made by Commissioner Phelps to continue items 4.2 and 4.3 to the December 3rd meeting. The motion was seconded by Commissioner Castorena..
The motion passed unanimously by 5-0.

Director Newell presented two resolutions related to the Sunset Crossroads project:

- Resolution 2025-015: Recommending City Council deny the project applications.
- Resolution 2025-016: There was one minor change.

The resolutions reflected direction given at the November 5th meeting.

Commission Discussion and Clarifications

Chair Dale reviewed the changes made to the resolutions. Changes included removing references to the Mount San Jacinto site action and clarifying the commission's authority to interpret the general plan. Other changes involved wordsmithing for clarification.

Motion and Vote on Resolution 2025-15

A motion was made by Commissioner Phelps to adopt resolution 2025-15. The motion was seconded by Commissioner Castorena. The initial vote was recorded as 4-1, but Commissioner Rodriguez requested to change his vote to no.

COMMISSIONERS	***YES***	***NO***	***ABSTAIN***	***RECUSE***	***ABSENT***
Castorena	*X*				
Dale	*X*				
Marshall		*X*			
Phelps	*X*				
Rodriguez		*X*			

Motion Carried 3-2-0) motion passes.

Motion and Vote on Resolution 2025-16

A motion was made by Commissioner Phelps to adopt resolution 2025-16. The motion was seconded by Commissioner Castorena. Motion passed unanimously by a vote of 5-0.

DRAFT

5. DISCUSSION ITEMS

Commissioner Phelps requested staff to consider a specific plan amendment for a zone change behind Albertsons.

6. ANNOUNCEMENTS AND REPORTS

6.1 DIRECTOR'S REPORT

Director Newell provided updates on:

- City Council approval of tentative track map 38408.
- WRCOG Vehicle Miles Travel Program.

6.2 COMMISSIONER REPORTS

Commissioner Castorena mentioned a community presentation and inquired about participating in the Christmas parade.

7. ADJOURNMENT

A motion was made by Commissioner Phelps to adjourn the meeting, seconded by Commissioner Castorena. Motion passed unanimously by a vote of 5-0.

Meeting adjourned at 6:18 p.m.

Minutes prepared by:

Sandra B. Calderon
Recording Secretary

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banningca.granicus.com/player/clip/256?view_id=1&redirect=true

All documents related to this meeting are available here
https://d3n9y02raazwpg.cloudfront.net/banningca/8686b557-b041-11f0-8df7-005056a89546-bf2c6f2f-6a5f-4aa7-a665-6efde7d73e84-1763401619.pdf

DRAFT

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Art Vela, Interim City Manager**

PREPARED BY: **Mark Staples, Planning Manager**

MEETING DATE: **February 26, 2026**

SUBJECT: **Consideration of an Application by the City of Banning, CA for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502) to Amend the Land Use Designation and Zoning of Approximately 41 acres of Land Owned by Mount San Jacinto Community College District Located Near the Southeast Corner of Westward and Sunset Avenues from PF–S (Public Facilities-Schools) to Very High Density Residential (VHDR) to Transfer Density of Not Less Than 1,146 Residential Units from the Sunset Crossroads Specific Plan.**

RECOMMENDATION:

1. Adopt Resolution No. 2026-33, approving General Plan Amendment No. 22-2502
2. Adopt Ordinance No. 1619, approving Zone Change No. 22-3502

BACKGROUND:

PROJECT APPLICANT:

City of Banning

99 East Ramsey Street
Banning, CA 92220

JANUARY 28, 2026, CITY COUNCIL MEETING SUMMARY:

At the January 13, 2026, City Council meeting, a public hearing was opened and closed for this project, comments from the public were received, and the Council asked questions of the project applicant. Council Member Miller motioned to continue the item to the next meeting, with Mayor Royce seconding the motion. The questions asked at the January 13 meeting include:

1. Was Mt. San Jacinto College involved in the review process?

The previous Community Development Directors were in communication with the College during the process. Planning Manager Mark Staples held a follow-up Teams call, on February 6, 2026, with Dr. Roger Schultz, Superintendent/President, and Michael Beckham, VP Business Services, of MSJC. The College has not taken a position either in favor of or in opposition to the transfer of development rights or the zone change and general plan amendment to the surplus school properties. Attached is a letter from MSJC, dated February 17, 2026.

2. Will the transfer of the 1,146 residential units be units lost for the City?

The Planning Department will be required to report the transfer of development rights annually to the state Department of Housing and Community Development (HCD) with each Annual Progress Report (APR) until such time the units are realized and developed.

BACKGROUND:

NP Banning Industrial, LLC has submitted multiple entitlement applications for approval of the Sunset Crossroads Specific Plan, which will appear at public hearings as a separate public hearing item. Approval of the proposed new Specific Plan Project will result in approximately 141.2 acres of existing residentially zoned properties within the City of Banning to convert to commercial and industrial land uses. The City has determined that adoption of a General Plan Amendment and Zone Change for the Sunset Crossroads Project would result in the reduction of the City's residential capacity by a maximum of 1,146 units. This is a conservative estimate because it assumes the maximum number of units that could be developed and developments typically do not achieve maximum density due to a variety of factors, including topography and infrastructure requirements.

State law, set forth in California Government Code Section 66300 et seq., requires that the City identify and rezone other land in the City concurrently with adoption of the Sunset Crossroads Project to ensure 'no net loss' of the City's residential development capacity. The City has therefore identified 41-acres of the 49.2-acre site located adjacent to the Sunset Crossroads development site, east of Sunset Avenue and south of Westward Avenue (MSJC Site), that is owned by the Mt. San Jacinto Community College District (MSJCCD) for that purpose. A portion of the MSJC site houses the existing MSJCCD San Gorgonio Campus.

To avoid a net loss to the City's residential capacity that would otherwise occur if the Sunset Crossroads Specific Plan Project is approved, the City is proposing to concurrently amend the general plan land use designation and change the zoning classification of the approximately 41 acres of the MSJC site to Very High Density Residential, which would permit residential development from 24 to 30 dwelling units per acre, which would create capacity for no less than 1,146 units at the MSJC site.

The proposed amendments are: (1) General Plan Amendment (GPA) 22 -2502; and (2) Zone Change (ZC) 22-3502, which together would change the land use designation and zoning of the MSJC Site from PF–S (Public Facilities-Schools) to Very High Density Residential (VHDR) with a density range of 24 to 30 dwelling units per acre (24-30 DU/AC).

No residential development on the MSJC site has been proposed nor is any application pending. If the site is developed in the future, it would occur under the VHDR designation and in conformance with the applicable development standards found in the City's General Plan and Zoning Ordinance. For example, the City's VHDR land use designation allows for development condominiums, townhomes, and apartments, or a combination of these types, along with the provision of common area amenities and open space. The City's regulations also provide for clustering of such units development of a new specific plan to provide for orderly development or provide for adequate public infrastructure (i.e., roads, storm drain, electricity, sewer, potable and recycled water availability).

Chapter 5 of the Draft EIR evaluates the environmental impacts of the MSJC Entitlements at a programmatic level. Approval of the proposed MSJC entitlements will effectively serve to avoid any net loss of residential capacity and would not result in an increase in capacity or number of residential units in the City. Therefore, the proposed MSJC entitlements are consistent with existing City planning documents and baseline assumptions identified in the environmental impact report, with only the location of the residential uses changing. A programmatic level analysis of potential environmental impacts pertaining to the MSJC entitlements and cumulative analysis was analyzed in the Final EIR and is provided in Chapters 5.0 and 6.0 of the Sunset Crossroads Specific Plan EIR. The Sunset Crossroads development project is discussed in detail in the project-level analysis of the development project in Chapter 3.0 of the Environmental Impact Report (EIR). The use of this EIR as both a project-level and programmatic-level document is detailed in Chapter 1.0 of the EIR.

DESCRIPTION:

The MSJC Site totals 49.2 acre and is located at the southeast corner of Sunset Avenue and Westward Avenue. The MSJC campus - including structures, off-street parking, and other features - is located on 3 parcels (APNs 537-140-001, 537-140-002 and 537-140-003) that constitute approximately 8.3 acres. The remaining 41-acres is undeveloped sage scrub, grassland, and water habitats. Pershing Creek crosses Sunset Avenue from the west, bordering the southern portion of the MSJC site.

Project setting for the MSJC Site:

North: Westward Avenue is located in the City, directly north of the MSJC Site, and a single- family residential neighborhood is located north of Westward Avenue. Land to the north of the MSJC Site has a City of Banning General Plan Land Use Designation and Zoning Classification of Medium Density Residential (MDR) (0-10 DU/AC).

West: Sunset Avenue is located west of the MSJC Site and to the west of Sunset Avenue is the Sunset Crossroads development site. Currently, property west of Sunset Avenue and south of the Sun Lakes Boulevard Extension is within the City's SOI and will be annexed into the City upon approval of the Development Project.

East: Land to the east of the MSJC site is within the City but not developed and is occupied by natural vegetation and natural topography. A small, 0.11-acre area of land to the east of the MSJC site is occupied by a well and water reservoir that is fenced on its perimeter. Land to the east of the MSJC site has a City of Banning General Plan and Zoning designation of Specific Plan. The approved Rancho San Gorgonio Specific Plan (RSG SP or RSG site) encompasses 831 acres and envisions the creation of a master planned community offering up to 3,385 residential units, as well as commercial uses, public facility, school, and public open space uses.

South: Land to the south of the MSJC Site within the City is undeveloped and is occupied by natural vegetation and natural topography. This area is General Plan designated and zoned Specific Plan. The natural drainage of Pershing Creek is also located south of the MSJC Site, within the approved RSG SP.

JUSTIFICATION:

FINDINGS:

REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT

Section 17.64.070 of the Banning Municipal Code (BMC) requires that General Plan Amendment applications meet certain findings prior to approval by the City Council. An analysis of the required findings for General Plan Amendment, Case GPA 22-2502, is provided for City Council consideration as follows:

Finding A: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: California Government Code Section 65302 requires that a General Plan consist of seven (7) State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The Land Use Element is one of the seven State-mandated elements of the General Plan and includes the Land Use Map for the City of Banning. The Land Use map and the Zoning map are 100% consistent with one another and, therefore, the same map doubles to serve both purposes. The transfer of residential density is consistent with state law, and with programs contained in the certified Housing Element.

The General Plan Land Use Map Amendment and Zone Change would allow for potential development of very high-density residential units that will provide greater diversity of housing across income levels and housing types including affordable housing opportunities as required for the General Plan land use

map. The proposed amendments would also be consistent with the nearby residential development, the school use currently on the site, and the commercial development and job opportunities afforded by the commercial and industrial development within the proposed Sunset Crossroads Specific Plan.

Finding B: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed General Plan Land Use Map Amendment and Zone Change will allow for the orderly development of the proposed Sunset Crossroads development project in an industrial area, further strengthening economic development and job opportunities, while allowing for housing opportunities adjacent to a higher-education campus and ensuring there would be no net loss in the City's residential development capacity. The potential residential development on the MSJC proposed amendment is not anticipated to cause detrimental impacts to the public interest, health, safety, convenience, or welfare of the City, while preserving affordable, high density residential uses by transferring the residential density to the subject site, ensuring there will be no net loss of residential development capacity.

Finding C: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: Table III -3, of the Community Development Chapter of the City's General Plan details that 252.1 acres of vacant land is designated as General Commercial, and 274.1 acres of vacant land is designated as Industrial. The approval of the Sunset Crossroads Specific Plan would increase the amount of vacant General Commercial land by 47.9 acres, and will increase the amount of vacant Industrial land by 392 acres, which provide a statistically significant positive change in the balance of vacant non -residential land uses within the City. With the proposed amendment, residential density will transfer adjacent to a higher-education campus and create additional housing opportunities for students, entry-level homes and increase the variety of housing options in the City. As such, the balance of land use designations will not be negatively impacted by the Project.

Finding D : The amendment is physically suitable for the surrounding environment; including, but not limited to site access, the provision of utilities, and compatibility with adjoining land uses, including the absence of any physical constraints, for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The land use amendment will not adjust or change the physical characteristics of the parcels, as there are currently no development proposals for the MSJC property. The existing backbone infrastructure, such as sewer, water, electricity, and other utilities, is in place to service the project location, and future development of the project site will dedicate additional right-of-way along the frontage of Sunset and Westward Avenues to accommodate widening to the General Plan Circulation Element ultimate configuration for these street segments. Any future residential development of the MSJC site would be designed to meet City standards, which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site improvements, streets, utilities, and drainage facilities consistent with the City's General Plan.

The Project will implement Policy 8 of the Community Development Chapter of the General Plan, which requires that the City assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44).

The Project will implement Program 4.B, which "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

REQUIRED FINDINGS FOR AMENDMENT TO TITLE 17 (ZONING)

Section 17.116.030 of the Banning Municipal Code provides that the City Council shall make a written

recommendation on a proposed amendment to the Zoning Ordinance (Title 17) whether to approve, approve in modified form, or disapprove based upon their findings. An analysis of the required findings for Zone Change, Case ZC 22-3502, is provided for City Council consideration as follows:

Finding A: The proposed Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact: The Zone Change would implement the related General Plan amendment and is therefore consistent with the policies of the General Plan for the reasons discussed above.

Finding B: The proposed Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact: The proposed Zone Change will transfer residential density from one project site to the subject site to accommodate a commercial/industrial development project. The proposed amendment will provide consistency with state housing law in that it ensures no net loss in the residential development capacity identified in the City's General Plan, and the proposed density range is from 24 to 30 dwelling units per acre, consistent with the Zoning Ordinance and development standards for the Very High Density Residential zone.

Finding C : That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: A Programmatic Analysis for the MSJC entitlements is contained in Chapter 5 of the Sunset Crossroads Specific Plan FEIR, in accordance with CEQA. The City Council has conducted an independent review of the FEIR and the City Council approves the project and programmatic EIR that has been prepared for the Project.

ENVIRONMENTAL DETERMINATION:

The proposed General Plan Amendment, Case GPA 22-2502 and Zone Change, Case ZC 22-3502, are entitlements for a residential density transfer to the MSJC Site from the related Sunset Crossroads Specific Plan Project. Both projects have been evaluated in an Environmental Impact Report that was prepared for the Sunset Crossroads Specific Plan, both projects are to be heard by the City Council, and both projects are intended to be scheduled together at a future City Council public hearing. Procedurally, the City Council may adopt Resolutions and certification of the Final Environmental Impact Report for the Sunset Crossroads Specific Plan, that pursuant to CEQA Guidelines Section 15162, the proposed MSJC entitlements are consistent with the analysis contained in the FEIR, and therefore, no further analysis is required.

The Sunset Crossroads FEIR contains both a project-level and a programmatic-level of review. The Sunset Crossroads Development Project described in Chapter 4.0 of the FEIR is analyzed at a project level of detail consistent with CEQA Guidelines Section 15161 and considers the changes in the environment that would result during construction and operation of the development project. The MSJC entitlements are analyzed at a programmatic level, consistent with CEQA Guidelines §15168 because no specific development project is currently proposed for the MSJC site, but they are logical parts in the chain of contemplated actions. Consistent with the requirements set forth in Public Resources Code Section 21068.5 and CEQA Guidelines Sections 15152 and 15168(c), later activities could be tiered from, and would be examined in light of, the information in the programmatic analysis. The City would use the Sunset Crossroads FEIR to determine whether impacts of future development on the MSJC Site have been addressed in the analysis and whether or not additional environmental analysis shall be required. If an additional environmental document is necessary, under Section 15168(c)(1) of the CEQA Guidelines, and under tiering provisions in Public Resources Code Section 21068.5 and CEQA Guidelines Section 15152(a), it would incorporate the discussion, and applicable mitigation measures from the FEIR and focus the analysis on site specific issues not previously or sufficiently addressed. Such programmatic analysis is intended to assist the City in streamlining environmental documentation for future development projects at the MSJC Site that could tier from the FEIR. Factors to be used in determining whether subsequent environmental review is required include but are not limited to whether

the subsequent, project- level development is within the scope of the MSJC entitlements, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure described in the FEIR, and whether impacts from development of residential uses on the MSJC site have been fully analyzed and mitigated to less than significant in the programmatic analysis.

Sections 4.1 through 4.20 of the Sunset Crossroads FEIR described the environmental setting of the development project and the impacts that are expected to result from implementation of the development project. Mitigation measures are proposed to reduce potential impacts where appropriate. The environmental issues addressed included:

4.1 Aesthetics

4.2 Agriculture and Forestry Resources

4.3 Air Quality

4.4 Biological Resources

4.5 Cultural Resources

4.6 Energy

4.7 Geology and Soils

4.8 Greenhouse Gas Emissions

4.9 Hazards and Hazardous Materials

4.10 Hydrology and Water Quality

4.11 Land Use and Planning

4.12 Mineral Resources

4.13 Noise

4.14 Population and Housing

4.15 Public Services

4.16 Recreation

4.17 Transportation

4.18 Tribal Cultural Resources

4.19 Utilities and Services

4.20 Wildfire

A Programmatic Analysis for the MSJC entitlements is contained in Chapter 5 of the Sunset Crossroads Specific Plan FEIR, which includes a discussion of the existing environmental condition of the MSJC site relative to each of the environmental issues cited above. As the laws, regulations and City policies previously presented in Sections 4.1 through 4.20 of the FEIR would be applicable to actions related to the MSJC site, they are referenced, but not listed in the discussions contained in Chapter 5. For each environmental issue, the same Appendix G thresholds have been applied at a Programmatic Level. As

there is no specific development planned for the MSJC site at this time, the precise nature, location, and/or design of future residential uses is not known. The MSJC entitlements merely relocate potential impacts from one property to an adjoining property to avoid the net loss of residential capacity and by definition would be equal to or incrementally increase residential capacity or unit count in the City if an application for full buildout of the entitlement envelope is sought. Impacts from the future development of the 1,146 units are already contemplated by the City's planning documents. Any new impacts would generally be those that create site specific modifications where the focus of the analyses is on the specific location for the proposed use or the density of the use rather than the nature of the use. Where appropriate, the assessment identifies future actions that may be required prior to development of the MSJC site. The cumulative effects resulting from implementation of the Sunset Crossroads development project, the proposed MSJC entitlements and future development on the MSJC Site, and other development activity in the City are provided in Chapter 6.0 of the FEIR. Relevant "Other CEQA Considerations" concerning the MSJC entitlements are discussed in Chapter 7.0 of the FEIR.

PUBLIC COMMUNICATION:

A notice of public hearing for the subject applications was published in the Record Gazette newspaper and mailed to property owners within a 300-foot radius of the project boundary on January 2, 2026. The notice was also posted on the City's webpage and provided electronically to interested parties. As of the writing of this report, the City received several comments related to the Sunset Crossroads project, but none specific to the subject amendment.

FISCAL IMPACT:

A motion to deny or approve the proposed project would not result in a direct impact on the City's General Fund. The project will transfer development rights of residential units to the Mt. San Jacinto College, but the City does not have a project application filed for the development of those units. State university and community college owned properties are not assessed property taxes, and in turn housing on MSJC property will not generate property tax for the city. However, the indirect fiscal benefit of siting housing adjacent to an educational institution could make post-secondary education more accessible to residents of the San Gorgonio Pass region.

ALTERNATIVES:

Continue the Public Hearing. Continue the item to a date certain or a future meeting to allow time for additional information, analysis, or project modifications.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. 3.2a GPA22-2502 ZC22-3502 CC DENIAL Reso 2026-32.pdf
2. 3.2b GPA22-2502 ZC22-3502 CC APPROVAL Reso 2026-33.pdf
3. 3.2c ZC CC Ordinance No. 1619.pdf
4. 3.2d EXHIBIT A - Proposed General Plan and Zoning MSJC.pdf
5. 3.2e GPA22-2502 ZC22-3502 Vicinity Map MSJC.pdf
6. 3.2f GPA22-2502 ZC22-3502 Existing Zoning MSJC.pdf
7. 3.2g GPA22-2502 ZC25-3502 Aerial Map MSJC.pdf
8. 3.2h PHN GPAZC CC Meeting 01-28-26.pdf
9. 3.2i MSJC Letter 2-17-26.pdf
10. 3.2j 2026 01 28_Special Meeting_Minutes_DRAFT.pdf

RESOLUTION 2026-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CA, DENYING GENERAL PLAN AMENDMENT (CASE NO. GPA 22-2502) AND ZONE CHANGE (CASE NO. ZC 22-3502) TO REDESIGNATE THE LAND USE DESIGNATION AND ZONING OF APPROXIMATELY 41 ACRES OF PROPERTY OWNED BY MOUNT SAN JACINTO COMMUNITY COLLEGE DISTRICT AND LOCATED NEAR THE SOUTHEAST CORNER OF WESTWARD AND SUNSET AVENUES FROM PF-S (PUBLIC FACILITIES-SCHOOLS) TO VERY HIGH DENSITY RESIDENTIAL (VHDR) TO TRANSFER CAPACITY FOR DEVELOMENT OF NO LESS THAN 1,146 RESIDENTIAL UNITS FROM THE SUNSET CROSSROADS SPECIFIC PLAN AREA; REJECT CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2021020011); AND REJECT ADOPTING FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, an application for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502), (collectively, the "Project"), a proposal to amend the existing land use designation on twelve parcels of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 41 acres of a 49.2-acre site located near the southeast corner of Westward and Sunset Avenues (APNs: 537-140-001 through -004, 537-140-006 through -012, 537-150-001, -003 and -004, and 537-150-008), has been duly filed; and

WHEREAS, pursuant to Section 17.64.060.C. of the BMC, the City Council has the authority to review and act upon General Plan Amendments and Zone Changes, such as Case Nos. GPA 22-2502, ZC 22-3502, and EA 20-1506; and

WHEREAS, pursuant to Section 17.76.020 of the Banning Municipal Code, the Planning Commission has the authority to interpret the General Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(2) and 15070, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the project, and an Initial Study was not necessary. A Notice of Preparation (NOP) was therefore completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impact(s) on the environment. The State of California Clearinghouse issued a project number for the project, SCH No. 2021020011. The 30-day public comment period extended from

February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021 via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021 providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Sunset Crossroads development project includes a General Plan Amendment and implementation of a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) was conducted. On November 30, 2020 the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project; and

WHEREAS, the City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC site entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to, responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024 and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023 to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City

prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project; and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025 the City provided public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Project, and Notice of Intent (NOI) to recommend that the City Council adopt a Final Environmental Impact Report (FEIR) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on September 10, 2025 the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project and is recommending that the City Council approve the Project.

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025 the City provided notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission to consider the Project, and related environmental documentation. The notice was also mailed to the owners of properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on November 5, 2025 the Planning Commission considered any new information received on the project and voted 3 in support and 2 opposed to not re-open the public hearing, in accordance with the City of Banning's Manual of Procedural Guidelines, Section 7.3(e), before continuing its deliberation and considering the entirety of the record for the Project; and

WHEREAS, at the November 5, 2025, regular meeting, the Planning Commission voted 5-0 instructing staff to prepare a resolution making findings supporting a denial recommendation to the City Council of GPA 22-2502 and ZC 22-3502; and

WHEREAS, at the November 17, 2025, special meeting, the Planning Commission voted 3-2 adopting Resolution No. 2025-16 recommending the City Council deny General Plan Amendment 22-2502 and Zone Change 22-3502 with findings that are included in this Resolution; and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the project site; and

WHEREAS, at the January 28, 2026 special meeting, the City Council held a public hearing, commenced deliberation and voted 5-0 to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, Urban Crossroads, Inc. provided certain additional supplemental information to the City on February 18, 2026 ("collectively with the Initial Supplemental CEQA Memorandum, the "Supplemental CEQA Memoranda") regarding average daily trips following further reductions in Project industrial square footage; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed general plan amendment and zone change, supporting materials, and public testimony and finds the project in conformance with the requirements of the Banning Municipal Code, the City's General Plan, and the Zoning Ordinance.

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. RECITALS.

The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. ENVIRONMENTAL DETERMINATION.

A. 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 prepared an Environmental Impact Report evaluating the potential environmental effects of the Sunset Crossroads development project, and a programmatic analysis of the proposed MSJC entitlements.

B. Thereafter, City Staff provided public notice of completion of a DEIR and establishing the 45-day public review and comment period as required by law. The public comment period began on December 15, 2023, and expired on January 30, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website. The City received 54 comment letters during the public review period.

C. The City Council reviewed the Final EIR, inclusive of the Draft EIR, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the Sunset Crossroads Specific Plan EIR. In light of the whole record, the City Council determines and finds that: the project will result in significant and unavoidable impacts on the environment, including the degradation of air quality and increases in vehicles miles travelled, noise and greenhouse gas emissions as a result of the Project. The City Council finds that the overriding considerations related to the social, economic and other benefits of the Project, including the eight identified in the Statement of Overriding Considerations as part of

the record, do not outweigh the potential unavoidable significant impacts.

D. Based on the findings set forth in this Resolution and the whole of the administrative record in this matter, the City Council hereby rejects the certification of the Sunset Crossroads FEIR, and rejects the adoption of the related CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project.

SECTION 3. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT.

Section 17.64.070 of the Banning Municipal Code (BMC) requires that General Plan Amendment applications meet four required findings. The City Council finds and determines that General Plan Amendment, Case No. 22-2502, shall be denied as a legislative act based on information in the record and because at least one of the required findings cannot be met in the affirmative for the following reasons:

Finding A: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: The General Plan Land Use Map Amendment and Zone Change would replace 41 acres of vacant land designated Public Facilities-School (PF-S) with Very High Density Residential (VHDR). Table III-1 of the 2006 Land Use Element identifies the PF-S designation with only 95.7 acres of vacant land remaining in the City, resulting in a loss of 43% of land available for education purposes. This is inconsistent with the following Goal, Policy and Programs of the Land Use Element:

- *Goal: A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.*
- *Policy 1 General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.*
- *Program 1.A The city shall annually monitor the remaining capacity of all General Plan land use categories to assure that a variety of economic development opportunities are available.*
- *Program 2.A Work closely with Mount San Jacinto College throughout their planning process to assist in its efficient and timely development, implement educational programs geared to job creation and retention, and to coordinate synergistic development opportunities.*

The Amendment would reduce available land for school purposes, impede campus expansion, and limit future educational opportunities for residents. This is inconsistent with the goal of a balanced, broadly-based economy that provides a full range of economic and employment opportunities, as envisioned by the General Plan. Consequently, this finding cannot be made.

Finding B: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding C: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: The proposed Amendment would limit or remove opportunities for a campus expansion by Mt. San Jacinto Community College District. The amendment would replace 41 acres of vacant land designated Public Facilities-School (PF-S) with Very High Density Residential (VHDR). Table III-1 of the 2006 Land Use Element identifies the PF-S designation with only 95.7 acres of vacant land remaining in the City, resulting in a loss of 43% of land available for education purposes. This is inconsistent with the Land Use Element Goal for a desirable balance of land uses: "A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection." As a result, this finding cannot be made.

Finding D: The subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The site proposed for amendment is not physically suitable to accommodate very high density residential units (up to 30 units per acre, up to 5 stories in height) due to physical constraints and is not compatible with existing adjoining single-story single-family residential uses. The 41-acre property is split by a watercourse channel that traverses the site from northwest to southeast, limiting the developable area of the site. The site also has limited access potential on the adjoining segments of Sunset and Westward Avenues. The amendment site is owned by a public agency that provides higher education services; the proposed amendment may limit expansion and ultimate buildout of a higher-education campus in the City of Banning, as described above. Consequently, this finding cannot be made.

SECTION 4. REQUIRED FINDINGS FOR AMENDMENT TO TITLE 17 (ZONING):

Section 17.116.040 of the Banning Municipal Code provides that the City Council shall on a proposed amendment to the Zoning Ordinance (Title 17) whether to approve, approve in modified form, or disapprove based upon their findings. The City Council finds and determines that Zone Change, Case No. ZC 22- 2502, shall be denied because at least one of the following required findings cannot be met in the affirmative for the following reasons:

Finding A: The proposed Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact: The proposed Zone Change would re-zone 41 acres of vacant land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR). Findings for a corresponding General Plan Amendment to the General Plan Land Use Map cannot

be made to amend the Land Use map from PF-S to VHDR. Therefore, the proposed Zone Change to VHDR would cause inconsistency between the existing General Plan Land Use designation (PF-S) and the proposed zone (VHDR).

The proposed Zone Change is also inconsistent with General Plan goals and policies, as described in Section 3 of this Resolution.

For the above reasons, this finding cannot be made.

Finding B: The proposed Amendment is internally consistent with the Zoning Ordinance.

Finding C: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

SECTION 5. DENIAL
The City Council hereby denies the project proposals of a General Plan Amendment, Case No. GPA 22-2502, and a Zone Change, Case No. ZC 22-3502, and reject certifying the EIR (SCH No. 2021020011) and reject the associated Findings, Statements of Overriding Considerations, and MMRP.

SECTION 6. CERTIFICATION
The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book or original resolutions.

PASSED, APPROVED AND ADOPTED this 28th day of January, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City Attorney
SBEMP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk for the City of Banning City Council, do hereby certify that the foregoing Resolution No. 2026-32, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February, 2026, by the following vote to wit:

AYES:

NOES:

ABSENT :

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning

RESOLUTION 2026-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CA, APPROVING GENERAL PLAN AMENDMENT (CASE NO. GPA 22-2502) AND ZONE CHANGE (CASE NO. ZC 22-3502) TO REDESIGNATE THE LAND USE DESIGNATION AND ZONING OF APPROXIMATELY 41 ACRES OF PROPERTY OWNED BY MOUNT SAN JACINTO COMMUNITY COLLEGE DISTRICT AND LOCATED NEAR THE SOUTHEAST CORNER OF WESTARD AND SUNSET AVENUES FROM PF-S (PUBLIC FACILITIES-SCHOOLS) TO VERY HIGH DENSITY RESIDENTIAL (VHDR) TO TRANSFER CAPACITY FOR DEVELOMENT OF NO LESS THAN 1,146 RESIDENTIAL UNITS FROM THE SUNSET CROSSROADS SPECIFIC PLAN AREA; CERTIFY FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2021020011); AND ADOPT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, an application for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502), (collectively, the "Project"), a proposal to amend the existing land use designation on twelve parcels of land from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), and amending the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 41 acres of a 49.2-acre site located near the southeast corner of Westward and Sunset Avenues (APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003), has been duly filed; and

WHEREAS, pursuant to Section 17.64.060.C. of the BMC, the City Council has the authority to review and act upon General Plan Amendments, such as Case No. GPA 22-2502 and EA 20-1506; and

WHEREAS, pursuant to Section 17.76.020 of the Banning Municipal Code, the Planning Commission has the authority to interpret the General Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(2) and 15070, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the project, and an Initial Study was not necessary. A Notice of Preparation (NOP) was therefore completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impact(s) on the environment. The State of California Clearinghouse issued a project number for the

project, SCH No. 2021020011. The 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021 via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021 providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Sunset Crossroads development project includes a General Plan Amendment and implementation of a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) was conducted. On November 30, 2020 the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project; and

WHEREAS, the City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC site entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to, responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024 and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023 to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project; and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025 the City provided public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Project, and Notice of Intent (NOI) to recommend that the City Council adopt a Final Environmental Impact Report (FEIR) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on September 10, 2025 the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project and is recommending that the City Council approve the Project.

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025 the City provided notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission to consider the Project, and related environmental documentation. The notice was also mailed to the owners of properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on November 5, 2025 the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project; and

WHEREAS, at the November 5, 2025, regular meeting, the Planning Commission voted 5-0 instructing staff to prepare a resolution making findings supporting a denial recommendation to the City Council of GPA 22-2502; and

WHEREAS, at the November 17, 2025, special meeting, the Planning Commission voted 3-2 adopting Resolution No. 2025-16 recommending the City Council deny General Plan Amendment 22-2502 with findings that are included in this Resolution; and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the project site; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed general plan amendment and zone change, supporting materials, and public testimony and finds the project in conformance with the requirements of the Banning Municipal Code, the City's General Plan, and the Zoning Ordinance.

NOW, THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. RECITALS.

The preceding Recitals are true and correct and made a part of this Resolution.

SECTION 2. ENVIRONMENTAL DETERMINATION.

A. 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 prepared an Environmental Impact Report evaluating the potential environmental effects of the Sunset Crossroads development project, and a programmatic analysis of the proposed MSJC entitlements. Based upon the findings contained in the DEIR, City Staff determined that, with the incorporation of mitigation measures, there is no substantial evidence that the MSJC entitlements will have a potentially significant effect on the environment.

B. Thereafter, City Staff provided public notice of completion of a DEIR and establishing the 45-day public review and comment period as required by law. The public comment period began on December 15, 2023, and expired on January 30, 2024. Copies of the documents are available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, the Banning Public Library, located at 21 West Nicolet Street, Banning, California 92220, and the City of Banning website. The City received 54 comment letters during the public review period.

C. The City Council reviewed the Final EIR, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the Sunset Crossroads Specific Plan EIR. In light of the whole record, the City Council determines and finds that: (1) the EIR was prepared in compliance with CEQA; (2) with the incorporation of mitigation measures, there is no substantial evidence that the MSJC entitlements will have a significant effect on the environment; and (3) the EIR reflects the independent judgement and analysis of the City Council.

D. Based on the findings set forth in this Resolution and the whole of the administrative record in this matter, the City Council certifies the Sunset Crossroads FEIR, and adopts the related CEQA Findings, Statement of Overriding Considerations, and MMRP for the Project.

SECTION 3. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is located outside of any MSHCP criteria cell areas and plan compliance is provided through payment of the MSHCP Mitigation Fee at the time of building permit issuance.

SECTION 4. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT.

Section 17.64.070 of the Banning Municipal Code (BMC) requires that General Plan Amendment applications meet certain findings. The City Council finds and determines that General Plan Amendment, Case No. 22-2502, can be approved because the following required findings can all be met in the affirmative:

Finding A: That the proposed amendment is internally consistent with the General Plan.

Findings of Fact: California Government Code Section 65302 requires that a General Plan consist of seven (7) State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The Land Use Element is one of the seven State-mandated elements of the General Plan and includes the Land Use Map for the City of Banning. The Land Use map and the Zoning map are 100% consistent with one another and, therefore, the same map doubles to serve both purposes. The transfer of residential density is consistent with state law, and with programs contained in the certified Housing Element.

The General Plan Land Use Map Amendment and Zone Change would allow for potential development of very high-density residential units that will provide greater diversity of housing across income levels and housing types including affordable housing opportunities as required for the General Plan land use map. The proposed amendments would also be consistent with the nearby residential development, the school use currently on the site, and the commercial development and job opportunities afforded by the commercial and industrial development within the proposed Sunset Crossroads Specific Plan.

Finding B: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed General Plan Land Use Map Amendment and Zone Change will allow for the orderly development of the proposed Sunset Crossroads development project in an industrial area, further strengthening economic development and job opportunities, while allowing for housing opportunities adjacent to a higher-education campus and ensuring there would be no net loss in the City's residential development capacity. The potential residential development on the MSJC proposed amendment is not anticipated to cause detrimental impacts to the public interest, health, safety, convenience, or welfare of the City, while preserving affordable, high density residential uses by transferring the residential density to the subject site, ensuring there will be no net loss of residential development capacity.

Finding C: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: Table III -3, of the Community Development Chapter of the City's General Plan details that 252.1 acres of vacant land is designated as General Commercial, and 274.1 acres of vacant land is designated as Industrial. The approval of the Sunset Crossroads Specific Plan would increase the amount of vacant General Commercial land by 47.9 acres, and will increase the amount of vacant Industrial land by 392 acres, which provide a statistically significant positive change in the balance of vacant non -residential land uses within the City. With the proposed amendment, residential density will transfer adjacent to a higher-education campus and create additional housing opportunities for students, entry-level homes and increase the variety of housing options in the City. As such, the balance of land use designations will not be negatively impacted by the Project.

Finding D: The amendment is physically suitable for the surrounding environment; including, but not limited to site access, the provision of utilities, and compatibility with adjoining land uses, including the absence of any physical constraints, for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: The land use amendment will not adjust or change the physical characteristics of the parcels, as there are currently no development proposals for the MSJC property. The existing backbone infrastructure, such as sewer, water, electricity, and other utilities, is in place to service the project location, and future development of the project site will dedicate additional right-of-way along the frontage of Sunset and Westward Avenues to accommodate widening to the General Plan Circulation Element ultimate configuration for these street segments. Any future residential development of the MSJC site would be designed to meet City standards, which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site improvements, streets, utilities, and drainage facilities consistent with the City's General Plan.

The Project will implement Policy 8 of the Community Development Chapter of the General Plan, which requires that the City assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44).

The Project will implement Program 4.B, which "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

SECTION 5. APPROVAL

The City Council hereby approves the project proposals of a General Plan Amendment, Case No. GPA 22-2502, and approves the certification of EIR (SCH No. 2021020011) with its associated Findings, Statements of Overriding Considerations, and MMRP.

SECTION 6. CERTIFICATION

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

PASSED, APPROVED AND ADOPTED this 26th day of February, 2026.

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM

John Pinkney, City of Attorney
SBEMP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk of the City of Banning City Council, do hereby certify that the foregoing Resolution 2026-33, was duly adopted by the City Council of the City of Banning, California, at a special meeting thereof held on the 26th day of February 2026 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning, California

ORDINANCE NO. 1619

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF BANNING OFFICIAL ZONING MAP AND APPROVING ZONE CHANGE 22-3502 REZONING CERTAIN TERRITORY IN THE CITY LOCATED SOUTH WEST WESTWARD AVENUE AND EAST OF SUNSET AVENUE (APNS 537-140-001- THROUGH -004, -006 THROUGH -012, 537-150-001, -003 AND -004, -008).

WHEREAS, the City of Banning, California, ("City") is a general law city and a municipal corporation of the State of California; and

WHEREAS, an application for Zone Change (Case No. ZC 22-3502), (the "Project"), a proposal to amend the Zoning District classification from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for 41 acres of a 49.2-acre site located near the southeast corner of Westward and Sunset Avenues (APNs: 537-140-001 through -004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008), has been duly filed; and

WHEREAS, pursuant to Section 17.04.060.C. of the BMC, the Planning Commission has the authority to review and make recommendations to the City Council concerning Case No. ZC 22-3502; and

WHEREAS, pursuant to Section 17.116.040 of the Banning Municipal Code, the City Council has the authority to interpret the Zoning Ordinance; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines Sections 15064(f)(2) and 15070, the proposal constitutes a project as defined by CEQA and Community Development Department staff has determined that the Project is likely to have a significant effect on the environment; and

WHEREAS, based upon the complexity and magnitude of the proposed project, staff determined that an Environmental Impact Report should be prepared for the project, and an Initial Study was not necessary. A Notice of Preparation (NOP) was therefore completed and distributed to the State Clearinghouse, as well as agencies and organizations that may provide comment on the Project's potential impact(s) on the environment. The State of California Clearinghouse issued a project number for the project, SCH No. 2021020011. The 30-day public comment period extended from February 1 to March 3, 2021. An electronic copy of the NOP was made available on the City's website. Comments received during the public review of the NOP were utilized to assist in identifying potential environmental impacts; and

WHEREAS, due to COVID-19 restrictions, the Public Scoping meeting was held virtually on February 18, 2021 via Zoom. Notice of the Public Scoping Meeting was published in the Banning Record Gazette on February 5, 2021 providing the appropriate instructions for public participation in the Scoping Meeting. The Public Scoping Meeting

included a presentation providing a summary of the Project, required actions, and the environmental review process. No public comments were received during the Scoping Meeting; and

WHEREAS, the Sunset Crossroads development project includes a General Plan Amendment and implementation of a Specific Plan for the Project; therefore, Native American consultation pursuant to both SB 18 and Assembly Bill 52 (AB 52) was conducted. On November 30, 2020 the City reached out to 31 Native American contacts to formally invite participation in tribal consultation pursuant to AB 52 and SB 18 required for the Project. The City received responses from the Morongo Band of Mission Indians (MBMI), the Soboba Band of Luiseño Indians (SBLI), and the Agua Caliente Band of Cahuilla Indians (ACBCI) requesting formal consultation with the City regarding the Development Project; and

WHEREAS, the City provided a separate consultation invitation to these same 31 Native American contacts on August 25, 2022, specifically identifying the entitlement actions related to the MSJC Site. In this 2022 consultation, the City stated the MSJC site entitlements proposed only changes to the City's land use and zoning maps, and that no construction or physical alterations were proposed or would be authorized under the MSJC entitlements. The MBMI acknowledged the City's actions and noted the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI and that any future construction or alterations to the MSJC Site would be of interest to the MBMI. The San Manuel Band of Mission Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was provided to, responsible and trustee agencies, as well as the organizations, and persons who have previously requested notification. The NOA was distributed via priority mail with confirmed receipt. The NOA identified the State mandated 45-day public review period extending from December 15, 2023 to January 30, 2024 and included a weblink to the City's public noticing page providing further access to the Draft EIR, project material, and related technical appendices. Emails advising of the availability of the Draft EIR were sent by the City on December 15, 2023 to those parties requesting electronic notification. These emails provided the same weblink leading to the Draft EIR; and

WHEREAS, during the public review and comment period, the City received 54 letters from Resource Agencies, Trustee Agencies, and other interested parties. The City prepared a response to each comment letter received and prepared a Final Environmental Impact Report for the Project; and

WHEREAS, 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; and

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on August 15, 2025 the City provided public notice by advertisement in the

Record Gazette newspaper of a public hearing concerning the Project, and Notice of Intent (NOI) to recommend that the City Council adopt a Final Environmental Impact Report (FEIR) for the Project. The public hearing notice/NOI was also mailed to the owners of the subject properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on September 10, 2025 the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project and is recommending that the City Council approve the Project.

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091, on October 10, 2025 the City provided notice by advertisement in the Record Gazette newspaper of a public hearing before the Planning Commission to consider the Project, and related environmental documentation. The notice was also mailed to the owners of properties within 300-feet of the Project boundary; and

WHEREAS, in accordance with Government Code Sections 65353 and 65855, on November 5, 2025 the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the Project and at which time the Planning Commission considered the entirety of the Project; and

WHEREAS, at the November 5, 2025, regular meeting, the Planning Commission voted 5-0 instructing staff to prepare a resolution making findings supporting a denial recommendation to the City Council of GPA 22-2502 and ZC 22-3502; and

WHEREAS, at the November 17, 2025, special meeting, the Planning Commission voted 3-2 adopting Resolution No. 2025-16 recommending the City Council deny General Plan Amendment 22-2502 and Zone Change 22-3502 with findings that are included in this Resolution; and

WHEREAS, a public notice for the January 28, 2026, City Council special meeting was published in accordance with State law and the Banning Municipal Code, and written notice was mailed to property owners within 300 feet of the project site; and

WHEREAS, at the January 28, 2026 special meeting, the City Council of the City of Banning (the “City Council”) held a public hearing, commenced deliberation and voted five in favor and none opposed to continue deliberation of the matter at a special meeting on February 26, 2026; and

WHEREAS, the City Council has reviewed the staff report, Planning Commission recommendation, environmental documentation, proposed general plan amendment and zone change, supporting materials, and public testimony and finds the project in conformance with the requirements of the Banning Municipal Code, the City’s General Plan, and the Zoning Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. OFFICIAL ZONING MAP AMENDMENTS.

The City Council hereby approves ZC 22-2502, zoning land lying within the jurisdiction of the City and directs the Community Development Director to amend the City of Banning Official Zoning Map, as depicted in Exhibit A to this Ordinance and incorporated by this reference, to amend the zoning classifications of the Real Property legally described on Exhibit B-1 and Exhibit B-2 to this Ordinance, each incorporated by this reference, from Public Facilities – School (PF-S) to Very High Density Residential (VHDR), for the portion of the Property legally described on Exhibit B-1, comprising APNS 537-110-003 through -005, 537-110-011 through -014 is within the jurisdiction of the City.

SECTION 3. FINDINGS FOR APPROVAL OF ZC 22-2502.

BMC Section 17.116.040 provides that upon receipt of the Planning Commission's recommendation, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance. Further, BMC Section 17.116.050 provides that an amendment to the Zoning Ordinance may be adopted only if the following findings are made. The City Council hereby finds and determines as follows:

A. FINDING No. 1: The proposed Amendment is consistent with the goals and policies of the General Plan.

   Findings of Fact: The Zone Change would implement the related General Plan amendment and is therefore consistent with the policies of the General Plan for the reasons discussed above.

B. FINDING No. 2: The proposed Amendment is internally consistent with the Zoning Ordinance.

   Findings of Fact: The proposed Zone Change will transfer residential density from one project site to the subject site to accommodate a commercial/industrial development project. The proposed amendment will provide consistency with state housing law in that it ensures no net loss in the residential development capacity identified in the City's General Plan, and the proposed density range is from 24 to 30 dwelling units per acre, consistent with the Zoning Ordinance and development standards for the Very High Density Residential zone.

C. FINDING No. 3: That the City Council has independently reviewed and considered

the requirements of the California Environmental Quality Act.

Findings of Fact: A Programmatic Analysis for the MSJC entitlements is contained in Chapter 5 of the Sunset Crossroads Specific Plan FEIR, in accordance with the California Environmental Quality Act (CEQA). The Planning Commission has conducted an independent review and the Planning Commission recommends approval of a project and programmatic EIR that has been prepared for the Project.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. CERTIFICATION.

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 7. EFFECTIVE DATE.
This Ordinance shall take affect thirty (30) days after its second reading by City Council. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be published and/or posted as required by law.

INTRODUCED AND READ for the first time and ordered posted at a special meeting of the City Council of the City of Banning, California, held on the 26th day of February 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Banning, California, held on the 10th day of March 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Royce, Mayor
City of Banning

ATTEST:

Sandra Calderon, Deputy City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Sandra Calderon, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1619 was duly introduced at a special meeting of the City Council of the City of Banning, held on the 26th day of February, 2026, and was duly adopted at a regular meeting of said City Council on the 10th day of March, 2026, by the following vote, to wit:

AYES:

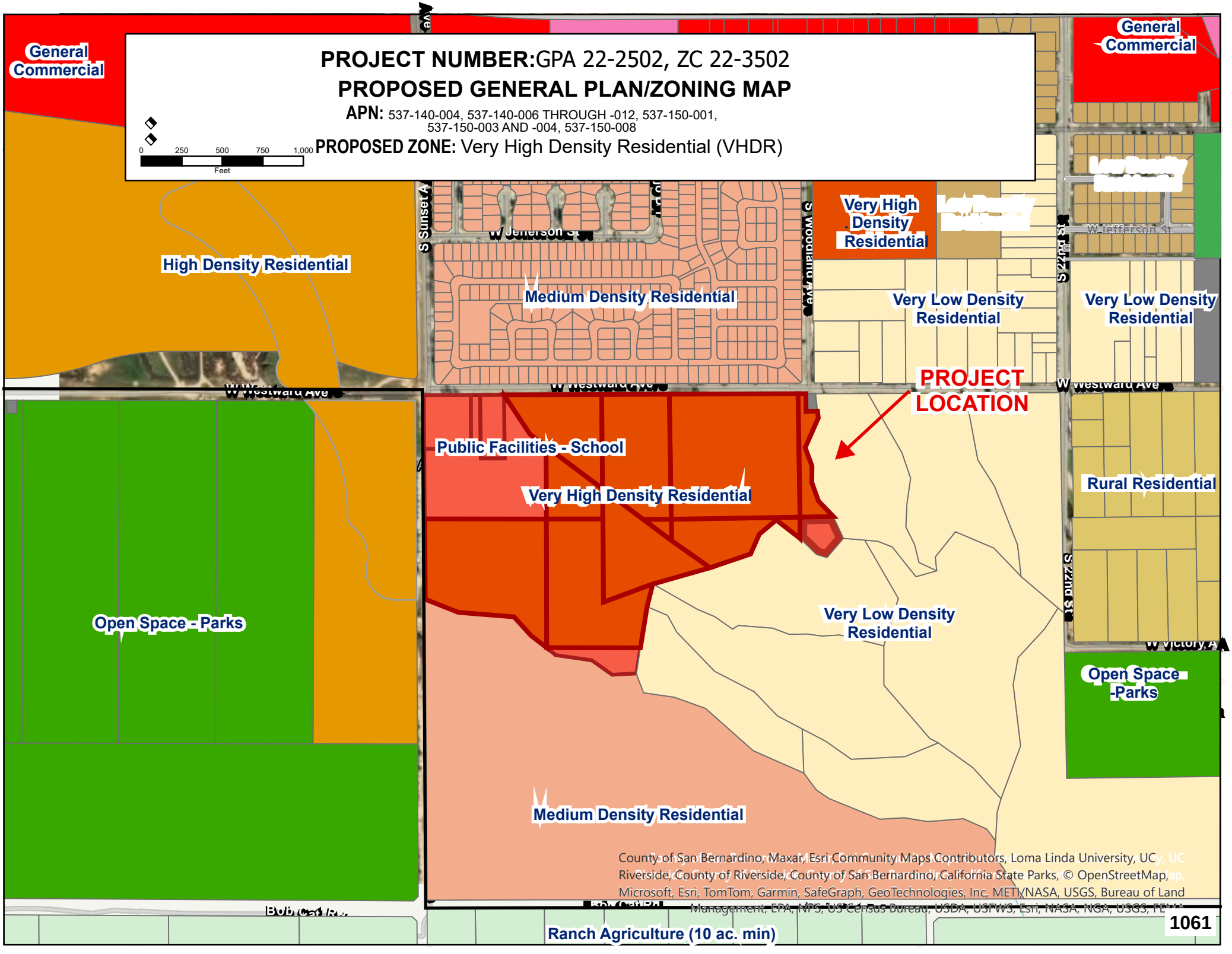
NOES:

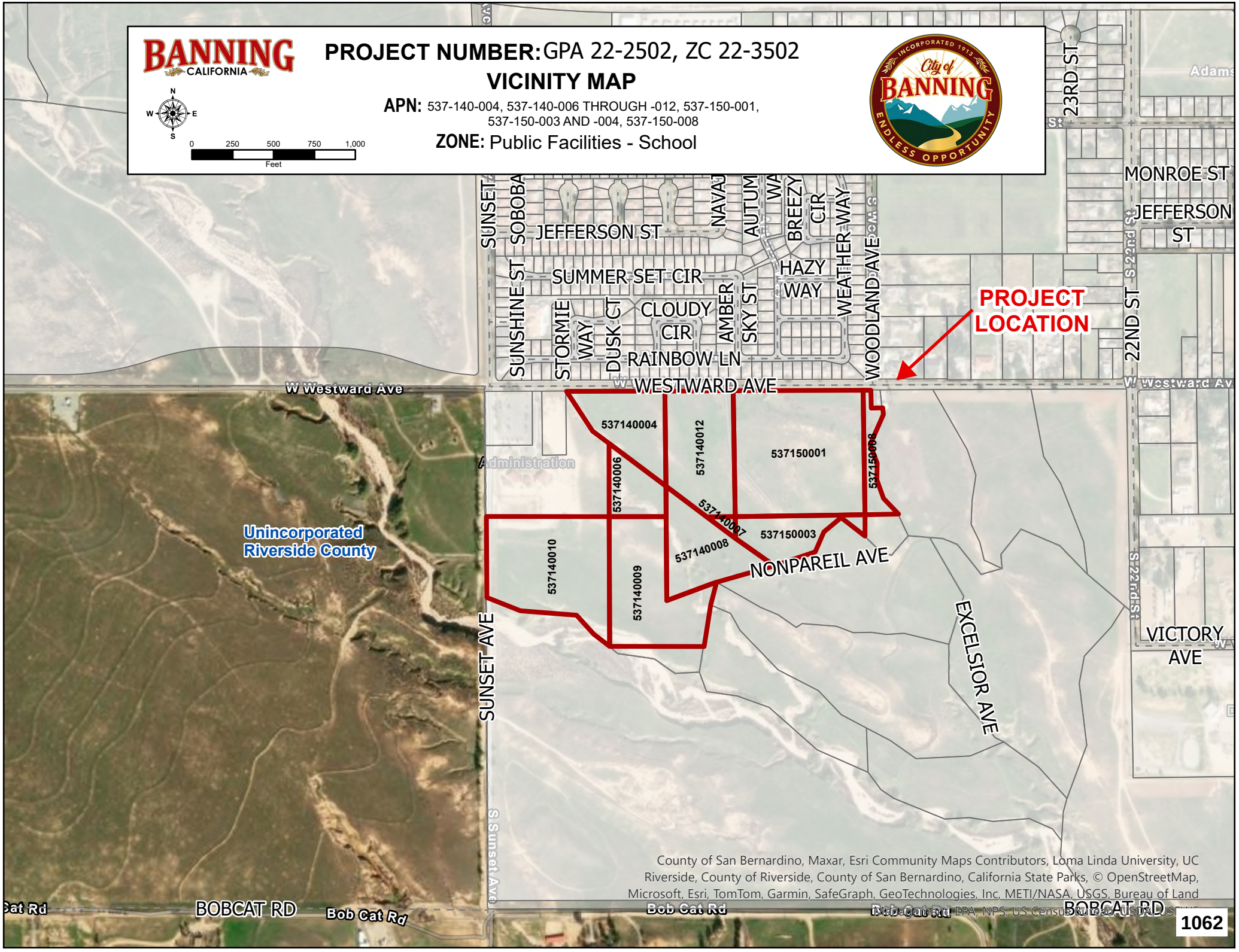
ABSENT:

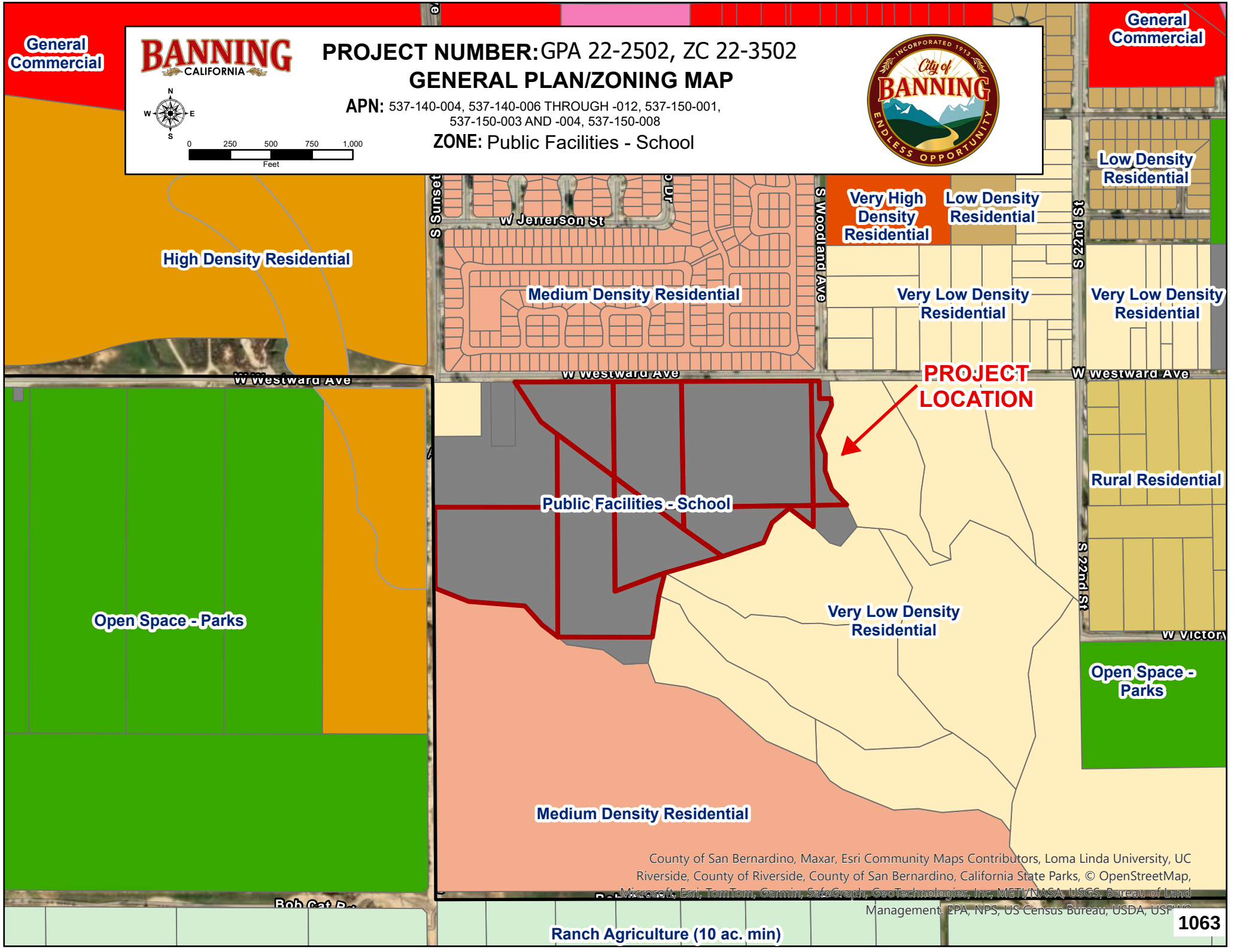
ABSTAIN:

Sandra Calderon, Deputy City Clerk
City of Banning, California

EXHIBIT A
General Plan/Zoning Map


PROJECT NUMBER:GPA 22-2502, ZC 22-3502
PROPOSED GENERAL PLAN/ZONING MAP
APN: 537-140-004, 537-140-006 THROUGH -012, 537-150-001, 537-150-003 AND -004, 537-150-008
PROPOSED ZONE: Very High Density Residential (VHDR)
0 250 500 750 1,000
Feet
General Commercial
General Commercial
High Density Residential
Very High Density Residential
Medium Density Residential
Very Low Density Residential
Very Low Density Residential
PROJECT LOCATION
Public Facilities - School
Very High Density Residential
Rural Residential
Open Space - Parks
Very Low Density Residential
Open Space -Parks
Medium Density Residential
Ranch Agriculture (10 ac. min)
S Sunset Ave
W Jefferson St
S Woodland Way
S 22nd St
W Westward Ave
W Victory Ave
Bob Cat Rd
County of San Bernardino, Maxar, Esri Community Maps Contributors, Loma Linda University, UC Riverside, County of Riverside, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA
1061


BANNING
CALIFORNIA
PROJECT NUMBER: GPA 22-2502, ZC 22-3502
VICINITY MAP
APN: 537-140-004, 537-140-006 THROUGH -012, 537-150-001, 537-150-003 AND -004, 537-150-008
ZONE: Public Facilities - School
N
W
E
S
0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
PROJECT LOCATION
WESTWARD AVE
W Westward Ave
JEFFERSON ST
SUMMER SET CIR
CLOUDY CIR
RAINBOW LN
HAZY WAY
SUNSET AVE
SOBOBA
NAVAJ
AUTUM
BREEZY CIR
WEATHER WAY
WOODLAND AVE
SUNSHINE ST
STORMIE WAY
DUSK CT
AMBER
SKY ST
S Woodland Ave
23RD ST
MONROE ST
JEFFERSON ST
S 22nd St
22ND ST
537140004
537140012
537150001
537150008
537140006
537140007
537150003
537140008
537140010
537140009
NONPAREIL AVE
EXCELSIOR AVE
VICTORY AVE
Administration
Unincorporated Riverside County
S Sunset Ave
BOBCAT RD
Bob Cat Rd
Bob Cat Rd
BOBCAT RD
County of San Bernardino, Maxar, Esri Community Maps Contributors, Loma Linda University, UC Riverside, County of Riverside, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS
1062


BANNING
CALIFORNIA
PROJECT NUMBER: GPA 22-2502, ZC 22-3502
GENERAL PLAN/ZONING MAP
APN: 537-140-004, 537-140-006 THROUGH -012, 537-150-001, 537-150-003 AND -004, 537-150-008
ZONE: Public Facilities - School
N
W
E
S
0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
General Commercial
General Commercial
High Density Residential
Very High Density Residential
Low Density Residential
Low Density Residential
Medium Density Residential
Very Low Density Residential
Very Low Density Residential
PROJECT LOCATION
Public Facilities - School
Rural Residential
Open Space - Parks
Very Low Density Residential
Open Space - Parks
Medium Density Residential
Ranch Agriculture (10 ac. min)
W Jefferson St
S Sunset
S Woodland Ave
S 22nd St
W Westward Ave
W Victory
Bob Cat Rd
County of San Bernardino, Maxar, Esri Community Maps Contributors, Loma Linda University, UC Riverside, County of Riverside, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS
1063


BANNING
CALIFORNIA
PROJECT NUMBER: GPA 22-2502, ZC 22-3502
AERIAL BASE MAP
APN: 537-140-004, 537-140-006 THROUGH -012, 537-150-001, 537-150-003 AND -004, 537-150-008
ZONE: Public Facilities - School
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
N
W
E
S
RAMSEY ST
Union Pacific RR
LINCOLN ST
W Lincoln St
ADAMS AVE
MONROE ST
JEFFERSON ST
23RD ST
S 22ND ST
SUNSET AVE
S Sunset Ave
SOBOBA DR
MOHAWK RD
CHEROKEE CIR
SIOUX CIR
CHEYENNE CIR
NAVAJO DR
SPRING PL
AUTUMN WAY
BREEZY CIR
HAZY WAY
WEATHERWAY
WOODLAND AVE S
SUNSHINE ST
SUMMERSET CIR
WHIRLWIND CIR
CLOUDY CIR
AMBER SKY ST
CLEAR CT
STORMIE WAY
DAYBREAK WAY
RAINBOW LN
W Westward Ave
WESTWARD AVE
Administration
NONPAREIL AVE
EXCELSIOR AVE
S 22nd St
VICTORY AVE Ave
Dysart Park
HALE AVE
CHIPMUNK TRL
Bob Cat Rd
County of San Bernardino, Maxar, Esri Community Maps Contributors, Loma Linda University, UC Riverside, County of Riverside, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS
0 250 500 750 1,000
Feet
1064

City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING
BEFORE THE CITY COUNCIL

General Plan Amendment, GPA 22-2502 and Zone Change, ZC 22-3502
Density Transfer related to Sunset Crossroads Specific Plan

NOTICE IS HEREBY GIVEN that the City Council of the City of Banning, California, will hold a public hearing at a Special Meeting on January 28, 2026. The City Council meeting begins at 5:00 p.m., in the Council Chambers at City Hall, 99 East Ramsey Street, Banning, CA 92220. 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.

The purpose of this hearing is to consider applications by the City of Banning (Applicant) in relation to the Sunset Crossroads Specific Plan project. The applications consist of a General Plan Amendment and Zone Change (GPA 22-2502 & ZC 22-3502) to change the General Plan Land Use Map and corresponding Zoning from PF-S (Public Facilities – Schools) to VHDR (Very High Density Residential, allowing 24-30 dwelling units per acre) for approximately 41 acres of land owned by Mt. San Jacinto Community College District and located near the southeast corner of Westward Avenue and Sunset Avenue (Assessor's Parcel Numbers (APNs): 537-140-004, 537-140-006 through 537-140-012, 537-150-001, 537-150-003, 537-150-004, and 537-150-008) (Receiving Site). The applications are proposed to comply with Government Code Section 66300 and transfer density of not less than 1,146 units from the Sunset Crossroads Specific Plan Project Area to the Receiving Site to avoid a net loss to the City's residential capacity.

The Planning Commission reviewed the subject project at its meetings of September 10, 2025 and November 5, 2025. At the latter meeting, the Commission voted 5 to 0 to recommend denial of the applications to the City Council and ratified this decision on November 17, 2025 by adopting Resolution 2025-16.

ENVIRONMENTAL DETERMINATION: The Project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and an Environmental Impact Report has been prepared for the project, together with Findings of Fact and a Statement of Overriding Consideration (SOOC), Findings in support of the SOOC, and a Mitigation Monitoring and Reporting Program for the Project, to be considered by the Planning Commission. A Notice of Availability to review the draft Environmental Impact Report for the Sunset Crossroads Specific Plan EIR (SCH No. 2021020011) was published in December 2023, with the 45-day public review and comment period for the Project beginning on December 15, 2023, and ending on January 30, 2024, and a Final Environmental Impact Report was prepared. Information regarding the Project and the Final EIR 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://www.banningca.gov/762/Sunset-Crossroads-Specific-Plan

REVIEW OF PROJECT INFORMATION: The proposed application, site plan, and related documents are available for public review by contacting the Community Development Department during normal business hours (Monday – Friday, 8:00am to 5:00pm) by telephone at (951) 922-3125. Additional project information is also available on the City's website by visiting the following link:
https://www.banningca.gov/762/Sunset-Crossroads-Specific-Plan

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing:

- You may provide oral comments at the in-person hearing. Agendas are available at least 72 hours in advance of the meeting online: https://banningca.granicus.com/ViewPublisher.php?view_id=1
- Written comments may be submitted to the City Council by email at CityClerks@banningca.gov or letter to the address below. Transmittal prior to the start of the meeting is required. Any correspondence received during or after the meeting will be distributed to the City Council as soon as practicable and retained for the official record.

City Clerk's Office
PO Box 998
99 E. Ramsey St
Banning, CA 92220

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing (Government Code Section 65009[b][2]).

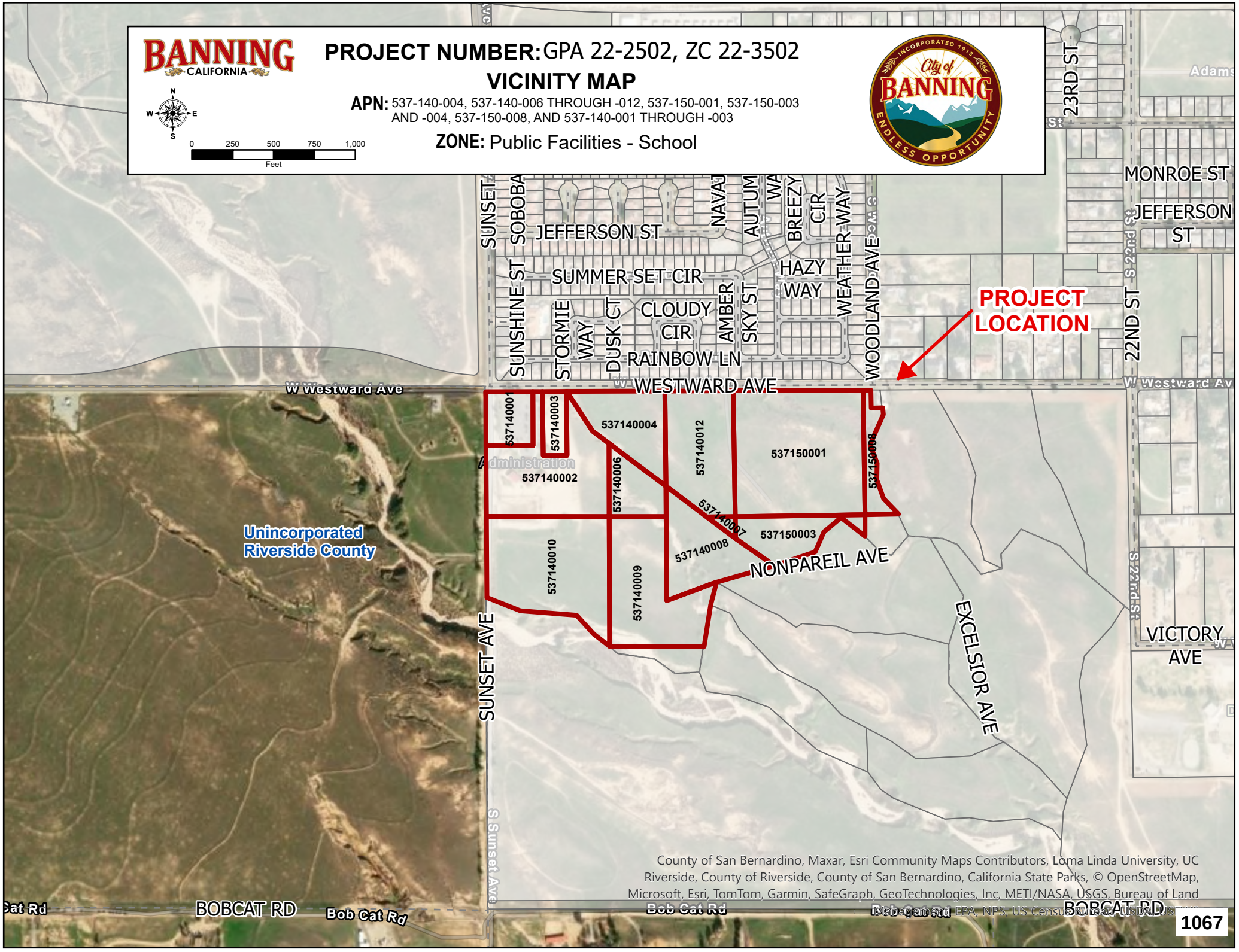
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at 951-822-3125. Notification 48 hours prior to the meeting Will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Banning y puede hablar con Sandra Calderon, teléfono (951) 922-3125.

BY ORDER OF THE PLANNING MANAGER OF THE CITY OF BANNING, CALIFORNIA.

Mark Staples
Planning Manager

Dated: December 23, 2025
Publish: January 2, 2026


BANNING
CALIFORNIA
PROJECT NUMBER: GPA 22-2502, ZC 22-3502
VICINITY MAP
APN: 537-140-004, 537-140-006 THROUGH -012, 537-150-001, 537-150-003 AND -004, 537-150-008, AND 537-140-001 THROUGH -003
ZONE: Public Facilities - School
N
W
E
S
0 250 500 750 1,000
Feet
City of BANNING
INCORPORATED 1913
ENDLESS OPPORTUNITY
PROJECT LOCATION
WESTWARD AVE
W Westward Ave
NONPAREIL AVE
SUNSET AVE
S Sunset Ave
EXCELSIOR AVE
VICTORY AVE
JEFFERSON ST
MONROE ST
22ND ST
23RD ST
S 22nd St
SUNSET
SOBOBA
NAVAJ
AUTUM
WA
BREEZY
CIR
WEATHER WAY
WOODLAND AVE
SUMMER SET CIR
HAZY WAY
SUNSHINE ST
STORMIE WAY
DUSK CT
CLOUDY CIR
AMBER
SKY ST
RAINBOW LN
537140001
537140003
537140004
537140012
537150001
537150008
537140002
537140006
537140007
537150003
537140008
537140010
537140009
Unincorporated Riverside County
BOBCAT RD
Bob Cat Rd
Administration
County of San Bernardino, Maxar, Esri Community Maps Contributors, Loma Linda University, UC Riverside, County of Riverside, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS
1067

MSJC
Mt. San Jacinto College

Roger W. Schultz, Ph.D.
Superintendent/President

Board of Trustees
Tom Ashley
Vicki Carpenter
Jhalister Corona
Calvin Smith
Brian Sylva

February 17, 2026

City of Banning
Attn: Mark Staples, Planning Manager
99 E. Ramsey Street
Banning, CA 92220

Sent via e-mail: mstaples@banningca.gov

RE: General Plan Amendment Case No. GPA 22-2502
Zone Change Case No. ZC 22-3502

Dear Mr. Staples,

Thank you for reaching out to discuss the City of Banning's Application for General Plan Amendment and Zone Change to amend the land use designation and zoning of approximately 41 acres of land owned by Mt. San Jacinto Community College District. Mt. San Jacinto Community College District has not taken a position either in favor of or in opposition to the City's Application. It is not our intention for this correspondence to be interpreted as advocacy, endorsement, or objection. However, we understand conditions change, needs evolve, and former plans must be adapted to those realities. As such, we defer entirely to the City Council's independent review and judgement on this matter.

Sincerely,

Roger W. Schultz, Ph.D.
Superintendent/President

MINUTES

CITY COUNCIL – SPECIAL MEETING
CITY OF BANNING, CALIFORNIA

January 28, 2026
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the special 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.

1. CALL TO ORDER – 5:04 p.m.

1.1 **PLEADGE OF ALLEGIANCE**
1.2 **ROLL CALL**

COUNCIL MEMBERS PRESENT:	Mayor Pro Tem Cynthia Barrington Council Member Sheri Flynn Council Member Leroy Miller Mayor Richard Royce Council Member Colleen Wallace
COUNCIL MEMBERS ABSENT:	None
OTHERS PRESENT:	John O. Pinkney, City Attorney Art Vela, Interim City Manager Mark Staples, Planning Manager Nate Smith, Deputy Director of Public Works/City Engineer Todd Hopkins, Assistant Chief – Riverside Unit Vickie Sellers, City Clerk Sandra Calderon, Deputy City Clerk

2. PUBLIC COMMENTS - ***Closed Session Items Only***

None

3. CLOSED SESSION

2.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8. Property: Banning Municipal Airport consisting of approximately 232.41 acres comprised of APNs 541-240-009; 541-250-009; 541-140-003; 532-150-002; 532-150-003; 532-150- 004; 532-130-012; 532-130-018; 532-130-011; 532-180-034. Agency Negotiator: Interim City Manager Art Vela or his designee. Negotiating Parties: City of Banning and Industrial Enterprises, LLC. Under Negotiations: Price and Terms of payment.

City Attorney John Pinkney said Council did not meet on Closed Session

4. PUBLIC COMMENTS

Public comments on items not on the agenda were not taken due to the Special Meeting.

5. CITY ATTORNEY'S REPORT

City Attorney John Pinkney reviewed procedural guidelines from the manual, emphasizing courtesy, respect, and order during the meeting.

Mayor Royce announced the public hearing for items 6.1 and 6.2, the proposed Sunset Crossroads Specific Plan project, reminding the public of the previously stated guidelines. The process would involve a staff presentation, council questions, and then public testimony limited to two minutes per person, with a suggestion for groups to appoint a spokesperson. Mr. Staples, Planning Manager was then introduced to present the staff report.

6. PUBLIC HEARINGS

6.1 Consideration of Applications By NP Banning Industrial, LLC for the Sunset Crossroads Project, including (1) a Specific Plan (Case No. SP 20-2002) to Allow for the Development of Industrial and Commercial Uses on 533.8-acres of Land Located South of I-10 and the Union Pacific Railroad, and West of Sunset Avenue (Specific Plan Area); (2) a General Plan Amendment (Case No. GPA 20-2501) and Zone Change (Case No. ZC 20-3502) to Amend the General Plan Land Use and Zoning of the Specific Plan Area to General Commercial (GC), Industrial (I), Opens Space-Parks (OS-P), and Open Space-Resources (OS-R), including Pre-zoning for Annexation of Portions of the Specific Plan Area into the City of Banning's Jurisdictional Boundary; (3) a Development Agreement to Establish Vested Development Rights in Exchange for Public Benefits as Specified in the Agreement; (4) a Tentative Parcel Map (Case No. TPM 38118) for a Subdivision of the Specific Plan Area into Thirty-four Parcels and Five Lettered Lots Ranging in Size from One Acre to Seventy-eight Acres Consistent with the Nineteen Planning Areas in the Specific Plan; and (5) a Final Environmental Impact Report (Sch No. 2021020011) Including Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Recommendation: Deny the Project Applications as Recommended by the Planning Commission by Adopting:

(1) Resolution 2026-26 Rejecting the Certification of an Environmental Impact Report (EIR), SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

(2) Resolution 2026-27 Denying Applications by NP Banning Industrial LLC for the Sunset Crossroads Project, Including General Plan Amendment (No. 20-2501), Zone Change (No. 20-3502), Specific Plan (No. 20-2002), Tentative Parcel Map (TPM 38118) and a Development Agreement, for the Development of Industrial and Commercial Uses on a 533.8-acre Project Site Located South of I-10/the Union Pacific Railroad and West of Sunset Avenue.

Alternatively, Approve the Project Applications as recommended by Staff by Adopting:

(1) Resolution 2026-28 Certifying the Environmental Impact Report, SCH No. 2021020011, Including Related Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

(2) Resolution 2026-29 Approving the General Plan Amendment (No. 20-2501); and

(3) Resolution 2026-30 Approving Annexation of 253.7 Acres into the City of Banning; and

(4) Resolution 2026-31 Approving the Tentative Parcel Map (TPM 38118); and

(5) Introducing by Title Only the Following Ordinances:

- Ordinance 1618, Approving Zone Change (No. 20-3502);
- Ordinance 1619, Approving Specific Plan (No. 20-2002); and
- Ordinance 1620, Approving a Development Agreement Between NP Banning Industrial

LLC and the City of Banning.

Mark Staples outlined the proposed applications for the Sunset Crossroads project, including General Plan Amendment 20-2501, Zone Change 20-3502, Specific Plan 20-2002, Tenant Parcel Map 38118, pre-annexation zoning and development agreement, and Environmental Assessment 20-1506 (State Clearinghouse number 2021-10232. 2021-020011), along with General Plan Amendment 22-2502 and Zone Change 22-3502 for the Mt. San Jacinto Community College District. The project site includes a northern half within the city boundary and a southern half in unincorporated Riverside County, requiring annexation. The northern half is to be re-designated as a specific plan, and the southern half pre-zoned as such, pending LAFCO approval. Existing general plan and zoning show commercial areas to the north and residential zoning throughout, with open space. Proposed changes maintain commercial to the north, convert much of the residential area to industrial, and preserve open space for natural drainage.

Planning Area 2, a shaded red area, would require a site-specific change to general commercial at a later date. The Sunset Crossroads project proposes commercial and industrial uses on 533.8 acres, including 268,400 square feet of commercial space (medical office, professional office, education, recreation), a 125-room hotel, and up to 5 million square feet of industrial uses (including up to 330 square feet of cold storage). The specific plan text serves as the project zoning document, containing land uses, development standards, design guidelines, and implementation provisions. Planning Area 1 is the general commercial area, while Planning Area 2 (33.8 acres) will need a future amendment for general commercial designation.

Examples of development standards from the specific plan (Chapter 3) were presented, including general commercial and industrial standards for lot size and setbacks. Mark Staples then introduced Nate Smith, Deputy Director of Public Works/City Engineer, to discuss circulation and traffic improvements.

Nate Smith discussed public works improvements related to the city's master plan. The project would require constructing Sunset Avenue to its full width from the Union Pacific Railroad to Westward Avenue, with a partial width improvement south of that point and a bridge crossing over Smith Creek. Dedications are required on Highland Home Road and Sun Lakes Boulevard. Ramp improvements on Sunset Avenue and intersection improvements at Sunset Lincoln, Sunset and Westward, Sun Lakes and Highland Home, and Ramsey Street are planned. These improvements align with circulation element roadways, intersections, and the traffic development impact fee program.

Roadway cross-sections are generally consistent with adopted city sections, with variations in parkway widths. Bike lanes and facilities are proposed. The current adopted truck route Resolution 2005-91) was presented, noting that roadways are not automatically truck routes and local serving businesses are exempt. The city is working towards AB 98 compliance with the general plan update by January 1, 2030.

A truck management plan is required to address community concerns about excessive trucks near Sun Lakes. The plan aims to divert traffic to Sunset Avenue towards the I-10 trade corridor, including signage, lease provisions with penalties for non-compliance, and physical improvements to discourage turns towards Sun Lakes. A traffic coordinator contact with the city and increased enforcement by Banning PD are also planned.

The project would provide additional water system redundancy and looping, benefiting the Sun Lakes community. An alternate water source would be provided via an 18-inch main within Westward Avenue. Non-potable water will be used for landscaping, with extensions to Sun Lakes and Sunset Avenue, and potentially to Sunset and Bobcat. A new gravity sewer backbone line from the Westward Avenue lift station to Sunset is required, eventually leading to the decommissioning of the lift station, which would reduce energy and maintenance demands.

All drainage on the project is set to be self-contained, with no major city-owned drainage system proposed. Stormwater must comply with the Banning-Venie Code, Regional Water Quality Board

control measures, and permits from CDFW, U.S. Fish and Wildlife, and Army Corps. The grading plan must comply with Title 18 of the Banning Municipal Code and environmental agency permits, with grading proposed to balance on site.

The Public Works Department developed conditions to ensure necessary infrastructure is built before each building's operation, allowing for flexibility in development sequencing based on market demands. The Planning Commission suggested adding conditions for ramp improvements at I-10 and Sunset (westbound and eastbound right turn lanes) and a traffic signal at Ramsey Street and Highland Home Avenue. These locations are within the city's traffic diff, making the project eligible for diff credit and reimbursement. Nate Smith concluded his presentation and handed it back to Mark Staples.

Mark Staples resumed, discussing design guidelines in Chapter 4 of the specific plan, which aim to ensure quality and character throughout the project. These guidelines assist developers, tenants, builders, engineers, architects, and landscape architects in achieving the desired design. They provide an aesthetic benchmark for future applications, encourage energy-efficient design, and ensure compliance with the City of Banning General Plan and ordinances. Chapter 5 includes implementation measures for land use and development guidelines, assisting city staff in project review.

A tentative parcel map subdivides the industrial and commercial areas into 34 lots (ranging from one to 78 acres) and five lettered lots for common areas or public purposes. The map has been updated to remove financing conveyance purposes and include correct APM numbers. The northern half and southern half (currently in Riverside County) of the map were shown. Mark Staples then introduced Interim City Manager Art Vela to discuss the development agreement.

Interim City Mager Art Vela highlighted notable terms in the development agreement, including an $8 million public benefit fee ($1.44 per square foot) paid in installments, with the first million due before grading permit issuance. The developer can receive up to $2 million in credits towards the $8 million for bringing in a sales tax-generating tenant, such as a fulfillment center. The agreement also includes an accelerated transportation development impact fee payment of $5.1 million for improvements to the Sun Lakes Boulevard extension, intended to help the city cash flow the project.

The developer is offering land for a fire station site, water tank site, electric substation site, and reverse osmosis site, estimated to be worth $5 to $7 million, at no cost to the city. They will also contribute $500,000 for the design and environmental review of a new substation, with total contributions not to exceed $12.5 million, which is estimated to cover the entire construction. This is crucial because the existing Midway substation (20 MVA) is outdated, and the electric utility lacks the funds for replacement. The developer's contribution would fund both the replacement and the capacity needed for their project.

The developer will be reimbursed for the city's share of the substation, partly through the city's transformer equipment and labor (estimated at $2.5 million), and the balance through rate revenues. The current electric rate structure supports this payback. The developer is also dedicating a five-acre park, which they will design, construct, and maintain.

The development agreement mandates a minimum 100-foot buffer between buildings and Bobcat Road, including a 20-foot landscape area. Facility funding includes a $15 million fire station contribution (covering design and construction) and $1 million for fire station equipment (a new fire truck), plus the electric substation contribution. A $750,000 grant contribution can be used to beautify downtown or fund a small business assistance program, such as a revolving loan.

The development agreement includes the formation of a CFD for a special tax on industrial buildings at 20 cents per square foot annually, with an annual escalator and no sunset date. The developer benefits from a seven-year freeze on new impact fees (excluding increases in existing categories). The developer is required to construct or begin construction of 100,000 square feet of commercial retail within 24 months of the first industrial building occupancy, with a $500,000

payment to the city every six months if they fail to meet this commitment. The agreement calls for at least two 100,000 square foot retailers, and the developer must submit an amendment to the specific plan and conduct an environmental review to allow retail and commercial in planning area two.

The development agreement was made public on September 10th and November 5th, 2025, with changes made based on Planning Commission discussions. Further revisions have been made in collaboration with the city attorney's office and the developer's team, including a tolling period (to be explained by City Attorney John Pinkney).

A 17 cents per square foot cap on permit fees has been removed due to refined calculations. A provision related to a tax-sharing and reimbursement agreement for the electric substation has also been removed, as the electric rate structure now supports the city's share of the substation cost. Various other changes clarify the intent of specific provisions.

Interim City Manager Vela presented a table summarizing the fiscal impact of the project, highlighting its timeliness given the recent audit discussion. The 2024 audit identified a serious fiscal challenge and a structural deficit of at least $3 million for the next few years. The annual revenue from the project includes the special tax (20 cents per square foot) and other recurring revenues, totaling over $2.9 million per year. The "other recurring revenues" represent the net surplus after subtracting the city's estimated expenditures for providing services to the development.

One-time revenues total over $37 million, including the public benefit fee (potentially reduced by $2 million), and contributions towards the electric substation. Half of the property is within the county jurisdiction, and upon annexation, the county will retain 75% of the property tax, with the city receiving only 25%. The project is expected to generate over $70 million in impact fee revenue, which is not included in the one-time revenue table as it is a standard requirement for all developments. Interim City Manager Vela concluded his presentation and handed it back to Mark Staples.

Mark Staples outlines the required findings for various project applications as per the municipal code. For general plan amendments, section 17.64.070 lists four items addressed in resolutions 26-27 (denial) and 28-31 (approval), carrying over findings from the Planning Commission's November 17th meeting. The specific plan adheres to section 17.96.040, emphasizing consistency with the general plan, environmental impact, site suitability, and neighborhood character. Zone change findings are under section 17.116.050, focusing on consistency with the general plan, zoning ordinance, and environmental concerns. The development agreement, unique to each project, is subject to section 17.0.030, ensuring consistency with the general plan, specific plans, and zoning ordinance, while promoting public welfare. The parcel map complies with the Subdivision Map Act, Section 66474, mirroring the seven findings discussed previously for the track map.

Mark Staples resumed, stating that he would go through the last of the project slides, mostly dealing with the required findings that are required with every project application. With all the application types, there are a couple slides to get through. He stated that he would not read through them all, but this is the list of required findings per the municipal code for general plan amendments. He pointed out the four items there per section 17.64.070. He stated that these items are all addressed both in the different resolutions that are before the council. He stated that the first two, resolutions 26 and 27, are what could be called the denial resolutions, and that resolutions 28 through 31 are the approval resolutions.

The project's environmental compliance timeline dates back to February 2021, with the circulation of the EIR notice of preparation. A scoping session followed two weeks later. The draft EIR was published in December 2023, with a comment period yielding 54 letters. The final EIR was published in July 2024. Due to unavoidable impacts on air quality, greenhouse gas emissions, noise, and transportation, Council must make findings and adopt statements of overriding considerations for approval. The draft EIR covers the summary, introduction, project description, environmental analysis, density change to Mt. San Jacinto College, cumulative impacts, CEQA topics, alternatives, and preparers, along with technical appendices. The final EIR focuses on responses to comments, draft EIR text revisions, the mitigation monitoring and reporting program, findings of fact, and

statement of overriding considerations, supplemented by a memorandum from September 10th, 2025.

The Mt. San Jacinto project involves general plan application 22-2502 and zone change 22-3502, transferring 1146 potential residential units from Sunset Crossroads to the Mt. San Jacinto College property. This includes rezoning 41 acres of the 49.2-acre area from public facilities/school to very high-density residential. The Sunset Crossroads project must also adhere to general plan amendment findings (section 17.64.070) and zone change findings (section 17.116.050). The Council has two groups of decisions: denying the EIR and project per the Planning Commission's recommendation or approving the project. The Planning Commission initially voted 3-2 to recommend denial on September 10th, then adopted denial resolutions on November 17th, 2025. Resolution 2026-26 rejects the EIR certification, while resolution 2026-27 denies the applications for the 533-acre site. Approval resolutions include 2026-28 (EIR certification), 2026-29 (general plan amendment), 30 (annexation resolution for LAFCO), and 31 (tentative parcel map 38118). Three ordinances are needed to approve Zone Change 20-3502, Specific Plan 20-2002, and the development agreement 1620.

Council Member Flynn inquiries about the removal of cold storage, the Sunset Avenue ramp improvements, and AB 98 compliance. Mark Staples clarifies that the cold storage was removed from the 33-acre planning area. Nate Smith explains that the Sunset ramp improvements are part of the DIF program, with the developer potentially making right-hand turn improvements and receiving DIF credit. The Caltrans process could take about 18 months, but there are no current plans. Caltrans was notified about the EIR but did not respond. Regarding AB 98 compliance, Nate Smith states that Banning is not listed as a warehouse-impacted area and, as a jurisdiction under 50,000 residents, has a compliance date of 2030. The city will evaluate truck routes in coordination with Beaumont as part of the general plan update.

Council Member Flynn questions the designation of Sun Lakes Boulevard west of Highland Home as a truck route. Nate Smith clarifies that it is not currently a truck route and would require a separate council action. He notes the section to Highland Springs is designated for 10,000 pounds or less. Regarding prohibiting trucks from turning right from the extension past Highland Home to Highland Springs, Nate Smith mentions the applicant's proposed intersection control with narrower lanes. He also addresses the proposed signal at Ramsey and Highland Home, stating it was not included as a condition of approval due to its location on the opposite side of the freeway, but the traffic study shows a potential impact. A signal at Highland Home and Sun Lakes Boulevard extension is not planned at this point, pending a more detailed traffic analysis. Council Member Flynn asks about the transformer for the electric substation.

Interim City Manager Art Vela estimates the transformer has been at the yard for about two years, purchased for the Midway substation replacement. He confirms the CFD is a service special tax, found in section 6.2.2 C of the development agreement, and requires property owner approval. Council Member Flynn notes the development agreement was published recently and is labeled as a draft. Mark Staples clarifies it's the most final version. Council Member Flynn questions if the project is null and void if LAFCO denies annexation. Mark Staples believes only the southern portion's development rights would be affected, but Council Member Flynn cites section 4.2 on page 29, stating the owner reserves the right to terminate the agreement if LAFCO denies annexation. Mark Staples acknowledges this is the owner's decision.

Council Member Flynn raises concerns about the retail development obligation, noting the 100,000 square feet of commercial use is required within 24 months after the first final certificate of occupancy for a project warehouse, potentially delaying the retail development. She also questions the market feasibility study requirement for Planning Area 2, fearing another warehouse if the study deems commercial retail unviable. Mark Staples acknowledges the change to commercial was a late addition based on feedback. City Manager Vela agrees with Council Member Flynn's concerns, suggesting the 24-month clock should start sooner and emphasizing the city's intent for commercial and retail use regardless of the market study.

Council Member Flynn prefers the retail development clock to start with permitting, not occupancy. Mark Staples clarifies that occupancy refers to the final inspection, not necessarily a physical presence. Council Member Flynn then questions the special account for public benefit fees until the Sun Lakes Boulevard extension is completed. Interim City Manager Vela explains this provision was added early on when the city lacked full funding for the extension, but the project is now fully funded, so the fees won't be used for the road. Council Member Flynn asks if the city will miss out on the money. Interim City Manager Vela confirms the city will still receive the money per the installment schedule. Council Member Flynn expresses concern about the first installment of the public benefit fee being paid prior to the first grading permit, potentially delaying payment for years. She wants to see fees paid sooner.

Council Member Wallace seeks clarification from Nate Smith regarding truck routes, specifically ensuring Sun Lakes Boulevard is not designated as one. Nate Smith confirms it is not and would require separate council action. Mayor Royce raises the issue of defining "construction" within the contract agreement, questioning whether it refers to permit issuance, groundbreaking, building completion, or occupancy. Interim City Manager Vela suggests the definition depends on the context and should be clarified in each provision where the term is used. Mark Staples suggests tying it to building department standards, where work is expected to begin within six months of permit issuance.

Brent Miles, one of the owners and founders of North Point, introduces the firm, highlighting its position as the largest privately held landlord in the United States with over $20 billion in assets under management. He emphasizes North Point's experience with California regulations and its commitment to investing in communities through thoughtful planning and public input. Miles states the project will create generational economic impact for Banning. He acknowledges the Council's difficult decision and aims to demonstrate transparency, openness, collaboration, and partnership. Miles expresses eagerness to begin the project, noting North Point purchased the property from a residential developer in June 2020. He highlights the team of professionals involved in creating a robust plan. Miles claims this project has the largest amount of public benefit North Point has ever given, representing almost a $1 billion investment in Banning.

Brent Miles emphasizes the significant public benefit of the project, estimating it as a near $1 billion investment in Banning. He addresses concerns about distrust in developers, assuring commitment to working with the city attorney to ensure transparency in payments. The project aims to transform the community by introducing retail, grocery stores, restaurants, hotels, entertainment, and services, with a signed contract with an anchor tenant. Miles highlights the creation of approximately 4,000 permanent jobs, infrastructure improvements, funding for a fire station and equipment, and a partnership to address Banning Electric's issues. Land donation for parks, along with their construction and maintenance, is also part of the plan. The development agreement is structured to protect the city without incurring costs, featuring a high CFD fee. Miles points out the elimination of cold storage plans and the addition of a 100-foot buffer in response to community feedback, ensuring AB 98 compliance. He also mentions the reduction of industrial square footage and the relocation of the fire station, emphasizing the importance of the anchor tenant and the donation of land to the retail user.

Brent Miles reiterates the public benefits, including the retail timing penalty, special facilities tax, and fire station funding, clarifying that the city retains the fire station funds if an agreement with Riverside County isn't reached. He highlights a grant for small businesses and the donation of land and easements for the Banning Electric substation and Sun Lakes Boulevard extension. A two-week job look-ahead for Banning residents and a partnership with MSJC are proposed to ensure local job creation. Financial impacts are tied to the certificate of occupancy, with flexibility in payment timing. Infrastructure improvements, including the Sun Lakes Boulevard extension and upgrades to Sunset, Lincoln, Bobcat, and Highland Home roadways, are valued at $42 million. Other benefits include the donation of right-of-way, a substation, a fire station, a water storage tank, an osmosis center, and parkland. Miles expresses excitement about bringing new shopping opportunities and a first-class fire station and parks to the community. He acknowledges the project's impacts, including sound, traffic, and noise, and explains the mitigation efforts. The sound impact is addressed, noting that the

project only exceeds sound variance during the construction of Sunset, with a temporary sound wall proposed as a solution.

Brent Miles discusses the traffic management plan, emphasizing no truck traffic west on SLB and proposing a headache bar solution. He highlights the use of sound walls, buffering, and landscaping to mitigate noise, stating that the project does not exceed sound limits except during Sunset construction. Miles argues that residential development is not viable on the site due to infrastructure costs and the presence of arroyos. He emphasizes the project's billion-dollar investment, commitment to paying fees, and desire to bring amenities and jobs to the community. Miles seeks a partnership to create a project that benefits the community, acknowledging the courage required to approve such a project and the potential for opposition. He believes the project's benefits outweigh the drawbacks.

Council Member Flynn inquires about the anchor tenant, which Miles confirms is a grocery-anchored retailer but cannot be publicly named. She questions the usability of the 65 acres of public park land, noting that much of it consists of culverts and ravines, and expresses concern about the existing homeless population in the area. Miles suggests that increased activity will deter homelessness and offers to consider providing more land for pure park space. Flynn emphasizes the ongoing issue of homelessness on the property and asks about plans for addressing it.

Council Member Flynn raises concerns about the lack of plans and funding for staffing the proposed fire station. Brent Miles suggests staff can better address the funding issue. Council Member Flynn requests a permanent sound wall north of Sun Lakes Boulevard on Highland Home Road to buffer the view and noise for the Sun Lakes community. Miles agrees to explore the sound wall. City Manger Vela explains that the project is projected to bring a net annual fiscal surplus to the city, part of which could be used for fire services, and mentions the possibility of a citywide CFD service to fund fire and police. He also suggests cost-sharing with the City of Beaumont. Brent Miles adds that the park land could potentially be expanded from five to twelve acres.

Councilman Miller expresses concern that the $16 million allocated for the fire station and equipment may not be sufficient due to rising costs. Brent Miles offers to increase the funding and tie it to a CPI inflator. Council Member Wallace asks the Fire Chief Hopkins about staffing the fire station once it's built. Fire Chief Hopkins explains that the city can request staffing through a letter, and the costs would depend on the type of resource placed there. He emphasizes the need for a fire station on the south side of the freeway and its potential to improve coverage in the city. Council Member Flynn clarifies the desired extent of the sound wall along Highland Home Road, requesting it extend to the substation for continuity.

Fire Chief Hopkins discussed the potential costs and benefits of establishing a fire station on the south side of Beaumont, emphasizing the current lack of coverage in that area and the reliance on stations in Cabazon (often blocked by trains) or Poppet Flats. He mentioned that staffing costs would depend on the type of resource deployed. Moving Engine 20 to the new station and adding equipment to the Wilson station could improve coverage for Atwell and other north-side communities. The Fire Chief offered to provide cost estimates for fire equipment, noting that a fully outfitted fire engine currently costs around $1.7 million, while a truck like the one purchased by Beaumont cost $2.4 million plus outfitting expenses. The estimated cost for a new fire station is around $8 million, potentially excluding land costs, but the city has architecture drawings available to help reduce costs. Projections have been made regarding response times from potential fire station locations off Sunset and at the Wilson site, aiming for a four-to-five-minute response time. Other fire stations being built in the county are estimated to cost around $12 million or more.

Charlene So from Urban Crossroads stated that the modified project now anticipates 1,850 trucks per day on Sunset Avenue daily, a reduction from the original estimate of 3,200 due to project modifications. The traffic study primarily focuses on morning and evening peak hours, revealing slightly more truck traffic in the morning (about 100 trucks more). While truck activity generally occurs outside peak commute hours, there could be truck traffic between 7-9 PM. The industrial traffic pattern is inverse to residential traffic, with higher inbound traffic in the morning and higher outbound traffic in the afternoon, potentially mitigating congestion during peak commute times.

Council Member Flynn questioned the significant reduction in truck traffic (from 3,200 to 1,800) despite the removal of only 500,000 square feet of warehouse space. Brent Miles clarified that the removal of 330,000 square feet of cold storage, along with the elimination of the truck stop as a permitted use, significantly contributed to the reduction in truck traffic. Cold storage and truck stops have a disproportionately high impact on truck volume compared to standard warehouse space. Council Member Flynn requested that the updated traffic study memo be provided to the entire council for review.

Mayor Royce questioned Brent Miles about comparable mixed-use projects in California. Brent Miles mentioned a large project near the Sacramento airport and retail developments in Kansas City and Detroit, but not a similar mixed-use project in California. He stated that his company has developed 30,000 residential units across the U.S. Mayor Royce expressed concern about the high number of vacant warehouses in Riverside County and asked if tenants were secured for the proposed warehouses. Brent Miles stated that he doesn't have tenants yet because he doesn't know when construction will begin. He cited a 5.2% vacancy rate for IE East, indicating a tight market. Council Member Flynn expressed concern that the warehouses might remain empty, referencing the Skechers building and other vacant properties in Cherry Valley. Brent Miles stated that the Skechers issue is related to foreign trade zone status, not a lack of demand. He disagreed with the notion of a downturn in warehousing, asserting that the region is the most robust industrial market globally.

Council Member Flynn suggested a condition requiring a tenant to be secured before building each subsequent warehouse. Brent Miles expressed openness to discussing language around this but highlighted the financial risk of building additional vacant warehouses. Council Member Flynn emphasized the community's concern about potential empty warehouses, given the history of vacant properties and the rezoning of land previously designated for single-family homes. She worried about the negative impact on surrounding communities if the warehouses remain unoccupied and do not benefit the city. Brent Miles pointed out that he would still be paying fees and taxes even if the buildings were vacant. City Manager Vela added that vacant warehouses would generate revenue through CFD and property taxes without placing demands on city services like traffic management.

Mayor Royce expressed concern that empty warehouses could attract crime and blight, potentially exceeding the revenue generated. Brent Miles stated that less than 2%, possibly less than 1%, of his California properties are currently vacant. Mayor Royce inquired about the intended use of the warehouses, specifically whether they would be used for "point of sale" activities. Brent Miles explained that point of sale taxation in California is complex and depends on the tenant's other facilities. He mentioned Chewy.com as an example of a point-of-sale tenant in Missouri. Brent Miles estimated that 20% of their California portfolio involves point of sale. He believes that the Banning location is a "home-run site" and that he has the capital ready for the project. He noted that last year, his company leased 15.6 million square feet, with 9.8 million square feet coming from existing Fortune 500 tenants.

Brent Miles clarified that the plans include dedicated truck parking spaces, separate from loading and unloading docks. These spaces are intended for trucks staging between loads. Mayor Royce expressed concern about trucks spilling over onto city roads, a common problem in other cities with large distribution centers. Brent Miles assured that the site has ample land coverage (22-25%) compared to typical industrial developments (35-38%), allowing for sufficient on-site storage and queuing. City Manager Vela emphasized the longer throats leading into the buildings, providing more on-site storage capacity for trucks. Brent Miles stated that the internal road networks are designed to prevent trucks from queuing on public streets. He expressed confidence in leasing the buildings due to their state-of-the-art design and ample parking.

Mayor Royce Opened Public Hearing at 7:50 p.m.

- A resident highlights key issues previously raised: electricity bills, warehouses, and animal care. urges the council to consider whether the current project is truly in the city's best interest, noting resident opposition to empty warehouses and uncertainty about future buyers and the economy.
- Richard McCard expresses concerns about the incompatibility of warehouses with neighboring residential areas and focuses on traffic impacts. He cites a figure of 1,850 trucks per day,

exceeding one truck per minute. He raises concerns about ambulance and police access, added load on the 10 freeway, noise, and pollution. He questions truck routing via Sun Lakes Boulevard to Sunset Blvd. and suggests the airport as a more suitable location.

- Chuck Huff emphasizes that the council's loyalty should be to residents, not freight traffic. He criticizes the council's credibility, citing the San Gorgonio Inn and a drag racetrack. He recalls previous claims about the impossibility of extending Sun Lakes Boulevard due to dangerous pipelines. He highlights traffic problems on Sunset and Lincoln, the impact on fire engine access despite the $35 million underpass, and the increase in decibel levels from sirens. He also mentions the shift from rural land to high-density housing and commercial development.
- A resident asks if homeowners in Serrano Del Vista will be reimbursed if truck traffic on Sunset lowers property values.
- John, representing union plumbers, pipe fitters, and refrigeration workers, finds it ironic that people complain about warehouses while ordering online. He challenges the vacancy rate argument, citing statistics of approximately 5% vacancy in the general area and 8% county-wide, suggesting a 92% chance of occupancy. He proposes organizing warehouses with tiered wage systems, higher salaries based on seniority, supervisors with higher pay, and union representation. He urges the council not to turn down this opportunity.
- Jack Marty, a Banning resident with logistics and trucking experience, notes the presentation sounded better than previous ones. He recalls citizen opposition to warehouses and marijuana facilities, preferring grocery stores and retail. He expresses concern about 80 trucks per hour accessing the freeway, predicting a "nightmare." He also mentions fumes, drugs, overnight truck parking, and the potential for lawsuits forcing the opening of Sun Lakes Boulevard to truckers.
- Ashley Adams, a lifelong Banning resident and mother, acknowledges setbacks but emphasizes the need to consider the future for her child and other children. She highlights the jobs, entertainment, and food the plan could bring, urging the council to work out the details and consider the expectations of the younger generation.
- Tara Hagee, a Banning resident and caregiver in Sun Lakes, admires the area's environment and nature. She notes the existing 11 industrial, two commercial, and four residential projects already in the works. She argues for legacy over quick fixes, emphasizing community, small business, sustainable jobs, and environmental alignment. She urges consideration of the proposal's economic, health, and longevity impacts.
- Edward Espinosa clarifies factual points about the Sunset Crossroads project, including the 30-year development agreement and the $8 million public benefit fee being contingent on building construction and occupancy. He notes that the fire station, water reservoir, and other public facilities are based on phased needs, not automatic construction. He states that the warehouse and commercial components are market-driven and phased, with no mandatory build-out date. He also mentions the illustrative nature of the presented map and the lack of fixed warehouse sizes or layouts. He suggests ways for the city to protect itself, such as performance bonds and permit-based phasing. He raises concerns about decibel levels affecting seniors with hearing aids.
- Kathy Aranda formally opposes the Sunset Crossroads project, calling it the wrong project in the wrong location. She emphasizes the Planning Commission's recommendation for denial. She notes the permanent rezoning and annexation of over 500 acres, allowing over 5.5 million square feet of industrial warehouse development. She highlights the Environment Impact Report's acknowledgement of significant unavoidable impacts, including air quality, noise, traffic, and quality of life effects. She argues that environmental review identifies impacts but does not justify them, and rezoning makes those impacts permanent. She urges the council to deny the project, consistent with the Planning Commission's recommendation.
- Amy Pippinger expresses agreement with the previous speaker. If the project passes, she insists on a stoplight or stop sign at Highland Home and Sun Lakes. She raises concerns about student

and resident traffic on Sunset, especially near Westward, and the potential for problems with teenage drivers and semi-trucks. She believes the developer should have proposed a project consistent with the existing zoning. She also requests a buffer on Bobcat for horse trailers.

- Nick Weyrich, Senior Vice President at SRS Real Estate Partners, explains his firm was hired to secure retail tenants for the project's commercial component. He argues this is a transformational opportunity for Banning, potentially bringing a major nationally recognized retail anchor tenant. He emphasizes the competitive landscape with other sites in Beaumont and Calimesa. He states that the logistics component subsidizes the deal, making it attractive to retailers. He believes the anchor tenant will attract other retailers, creating a diverse mix of uses and a first-class amenity for the city.
- Lee Park, a partner at Axiom Retail Advisors, represents a nationally recognized big box retail client in advanced negotiations with North Point. He expresses strong support for the project, citing the potential for good local jobs, substantial tax revenue, and secured future growth. He emphasizes the client's real interest but ties their ability to move forward to the industrial component and its infrastructure. He warns that delays could lead the client to deploy resources elsewhere, making Banning no longer viable. He believes North Point is the right steward for the property and that the time for approval has come.
- Juanita Diaz expresses concern that the community is not adequately involved and convinced of the project's benefits. She feels information is often left out and that last-minute document releases are designed to confuse residents. She requests the council to deny the project with prejudice due to inadequate information.
- Louie Lopez, business agent for Ironworkers Local 433, highlights the "endless opportunity" promised by the city's motto. He seeks to recruit more Banning residents into the ironworkers, especially veterans through a direct entry program. He emphasizes the community benefits offered by North Point, stating he has never seen a developer willing to give so much to the community. He notes that union ironworkers start at $30 an hour as first-period apprentices, emphasizing the value of on-the-job skill training.
- Chuck Huff, a 52-year member of Local 250 Steam Fitter, acknowledges the improvements made to the project over the years. He admits that change is hard, especially for long-time residents. He notes his community's proximity to the project and its potential impact. He acknowledges the reduction in warehouses and the removal of the refrigeration component. He connects the project to the college and high-density housing, questioning the affordability of housing for retail workers earning $20 an hour. He commends the developers but remains hesitant about the change, understanding the need for jobs.
- Fran Hanrati asks the city council to be careful in their decision, suggesting the amount of warehouse square footage is excessive. She emphasizes the city's beautiful surroundings and its status as a blue zone city, highlighting the importance of clean air. She requests a revision to reduce the warehouse square footage.
- A resident addresses the potential uses of warehouses, citing examples of sports arenas, eateries, and chef classes. Emphasize the potential for community benefit and job creation, particularly in carpentry, ironworking, and electrical trades.
- A resident suggests relocating the project to the airport, creating a win-win situation for everyone and avoiding truck traffic near homes.
- Ron Roy supports the Planning Commission's recommendation to deny the project, reflecting the community's wishes for the 534 acres. He suggests the city staff's support for the developer stems from private meetings and communications without comparable public input. He asks the council to require the developer to reduce the industrial warehouse footprint and expand on existing general plan land uses, suggesting less than 160 acres or 30% of total acreage away from homes. He also mentions available industrial land east of Hathaway. He argues that the future of the 534 acres should reflect the Planning Commission and community's vision, not the

developer's, criticizing the developer's unchanging monolithic vision since 2021, where warehouses dominate 74% of the land use. He requests the Council to require the developer to reduce the industrial warehouse footprint and expand on existing general plan land uses, suggesting less than 160 acres or 30% of total acreage away from homes for industrial use. He believes more diverse land uses would create better dynamics and value.

- Carlos Esparza expresses his support for the project, mentioning his desire for a new park and nearby work opportunities. As a member of Iron Workers Local 433, he emphasizes the need for opportunities for young people, highlighting the union's apprenticeship programs for veterans and others

Mayor Royce Closed Public Hearing at 8:36 p.m.

Brent Miles with North Point addresses concerns, stating that fire services were prioritized based on staff input and that they have never seen property value decline near their industrial projects, citing examples in Kansas City and Edgerton, Kansas. They clarify that weed is a prohibited use due to their financial partners' restrictions inside warehouses. They emphasize the benefits of the 30-year development agreement, including guaranteed fees and an upfront payment of $7 million. They also highlight the explicit details of the development agreement regarding upfront payments.

Brent Miles addresses concerns about sound, stating that the human ear cannot detect decibel changes of less than three decibels, while the project's noise impact is much lower. He is willing to discuss the stoplight at Highland with public works and engineering. He also mentioned Hillwood as a competitor in the airport commentary.

Brent Miles clarifies that the industrial buildings will not be built all at once, and the traffic model accounts for full build-out over several years. expresses a shared desire to avoid vacant buildings and offer to provide a more detailed illustration of the traffic model, including signal locations, turn lanes, and time frames.

Brent Miles is unsure about the electrical substation and offers to consider how the project can help with other city needs like animal control. Council Member Flynn expresses concern about the amount of warehouses and square footage, suggesting the inclusion of more retail, commercial, and medical facilities.

Brent Miles agrees to consider alternative land uses but cautions that changes to the industrial square footage could impact on the financial viability of the project and the public benefit package. Emphasizes that the development agreement was heavily negotiated and that industrial use is the primary financial driver.

Mayor Royce points out the conflict between the developer's financial interest in warehouses and the city's need for retail. The applicant representative acknowledges the community's desire for retail but argues that industrial development generates more fees and is a more reliable financial producer. They estimate that the retail development could generate $2.5 million in sales tax.

Council Member Miller raises concerns about truck traffic and asks if some warehouses could be used for other purposes. The applicant representative explains that traffic is modeled based on warehouse square footage and that they actively monitor traffic to minimize problems, as excessive truck traffic is undesirable for both the developer and potential tenants. He highlight the $46 million investment in infrastructure to manage traffic.

Mayor Royce suggests a traffic study model predicting traffic in two to three years. The applicant representative and Charlene So from Urban Crossroads clarify that the traffic study looks at various time horizons, including existing conditions, project phases, cumulative projects, and a horizon year of 2045.

Council Member Flynn emphasizes that various commercial uses beyond retail are possible and

that warehouses generate 24/7 truck traffic, unlike medical or retail buildings. She expresses concern about the potential impact of 80 trucks per hour on the on and off ramps and suggests reducing the warehouse area south of Sun Lakes Blvd.

Brent Miles reiterates their efforts to minimize truck traffic and balance community needs with the development agreement. Councilmember Flynn questions the guarantee of LAFCO approval for the county land south of Sun Lakes Boulevard and the potential for the developer to withdraw if it's not approved.

J.J. Jenkins with Northpoint confirms that a survey was conducted in a disadvantaged unincorporated community, and residents chose not to join the city.

Council Member Wallace emphasizes the need for economic development in Banning, highlighting the city's fiscal challenges and the importance of adapting to change. She argues that the Planning Commission's denial of projects is hurting the city and that Banning needs to attract businesses to avoid being bypassed by other booming cities. She stresses the need for a change in mindset to support economic growth for the benefit of future generations.

Charlene So, with Urban Crossroads confirms the original traffic study was completed on August 9th, 2023, with subsequent technical memos, including one dated September 3rd, 2025.

Deputy City Clerk, Sandra Calderon reports receiving seven letters in support and 416 letters in opposition to the project, distributed to the council. Councilman Wallace reiterates that the project impacts the entire city of Banning.

Council Member Flynn moves to continue the discussion to a future date, citing the late release of the development agreement and a 10-page letter received from Sunset Crossroads. She argues that the council needs more time to digest these documents and the traffic study. The motion is seconded by Council Member Barrington. Motion carried 4-1 with Council Member Wallace voting no.

City Attorney Pinkney clarifies that continuing the public hearing to a date certain avoids the need for re-noticing. The discussion clarifies that agenda items 6-1 and 6-2 are related to the same project and can be continued together.

Councilmember Flynn suggests hearing agenda item 6-2, which involves the general plan amendment and zone change, as it is a separate issue involving the city and Mt. San Jacinto College, not North Point.

Mark Staples, Senior Planner proceeds to present the next item 6.2.

6.2 Consideration of an Application by the City of Banning, CA for General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502) to Amend the Land Use Designation and Zoning of Approximately 41 acres of Land Owned by Mount San Jacinto Community College District Located Near the Southeast Corner of Westward and Sunset Avenues from PF–S (Public Facilities-Schools) to Very High Density Residential (VHDR) to Transfer Density of Not Less Than 1,146 Residential Units from the Sunset Crossroads Specific Plan.

Recommendation: 1. Adopt Resolution 2026-33, DENYING the project proposals of General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502)

2. Adopt Resolution 2026-34, APPROVING the project proposals of a General Plan Amendment (Case No. GPA 22-2502) and Zone Change (Case No. ZC 22-3502)

Mark Staples, Senior Planner proceeds to present on the residential land use transfer, explaining that it complies with state law regarding no net loss of residential land uses and is tied to the housing element. Another site was needed to accommodate the 1,146 units. Explaining the prior residential land uses in the area, referencing the "no net loss law" passed around 2021 or 2022 and its connection to the housing element. To compensate for the loss of 1,146 units, previous

directors contacted Mt. San Jacinto College, who were willing to take on the residential unit total, but wouldn't provide a formal letter of commitment. The presentation includes approval and denial resolutions tied to the North Point project and resolutions approving general plan 22-2502 and zone change 22-3502, specific to the college district's properties.

Council Member Flynn questioned the college's willingness without a formal commitment and the implications of transferring 1,146 low-density homes to a property not owned by the city, suggesting it's merely a "paper trade" to satisfy state housing policy. She expressed concern about losing these homes and the potential repercussions from HCD. She emphasized the Planning Commission's opposition to the project and the need for rooftops to support local businesses.

Mark Staples stated that the MSJC district generally accepted the responsibility for the 1,146 units. They mentioned the possibility of further transfer development rights. Council Member Flynn questioned the density required to accommodate that many units, and Mark clarified it would be roughly 27 units per acre, similar to recently built three-story apartments.

Mayor Royce opened public comments.

- Amy Pippinger speculated that MSJC might be amenable to the proposal because Diversified Pacific could purchase the land for apartments. She expressed her opposition to the plan.
- Tara Hagee questioned the logic of voting on the proposal without guarantees and its contingency on the other proposal, suggesting it be revisited with a committed site. The developer representative stated the MSJC site was considered in the EIR for the North Point project due to SB 330 requirements. He clarified that the MSJC site is intended for job development, not housing, and wouldn't preclude future school facilities. He also mentioned the 1,146 units were analyzed programmatically in the EIR and traffic analysis, with a housing range of 24-30 DU per acre, potentially in a clustered, three-story format.
- Shirley Hagey noted the reduced audience and expressed concern that the community wasn't adequately informed about the rezoning. She suggested delaying the decision for more public input. John Kond, counsel for the developer, emphasized the legal requirement under SB 330 to handle the North Point project and the zone change simultaneously. He clarified that state law only requires capacity, and the 1,146 units were merely shifted, not built or planned, similar to the previous situation with Lennar and the Sunset Crossroads property.
- Juanita Diaz expressed concern about the number of warehouses and questioned whether the city was prioritizing the community's needs. She emphasized the need for affordable housing and raised concerns about MSJC's potential departure. The meeting host then opened the floor for council discussion, deferring to legal counsel regarding separating or combining the items. The City Attorney advised handling the two items together as they are applications for one project.

Mayor Royce closed public comments

City Attorney, Pinkney suggested continuing the public hearing to February 26th to allow for the inclusion of missing ordinances. A motion was made to continue the meeting to February 26th. Councilmember Flynn inquired about the impact of the Rancho San Gregorio project (3,500 homes) on traffic. Staff confirmed the EIR accounted for Rancho San Gregorio as an existing approved project from 2016.

Council Member Flynn sought clarification on the car traffic numbers in addition to the 1,800-truck count.

Mark Staples indicated they would need to defer to traffic experts for specific car traffic numbers but estimated Island Springs had 30,000+ cars per day. Mayor Pro Tem Barrington pointed out that Rancho San Gregorio traffic would use multiple streets, not just Sunset. Council Member Flynn requested clear data on truck and car traffic. Mark Staples committed to translating the technical traffic data into an understandable narrative.

7. ADJOURNMENT

A motion was made by Mayor Royce and seconded by Council Member Miller to continue items 6-1 and 6-2 to February 26th at 5 p.m., motioned carried 5-0. Meeting was adjourned 9:32 p.m.

Minutes prepared by:

Sandra B. Calderon
Deputy City Clerk

These minutes have been prepared as Summary Minutes in accordance with City Council Resolution 2025-22 and Government Code Sections 36814, 40801, and 54953(c)(2).

The entire discussion of this meeting may be viewed here:
https://banningca.granicus.com/player/clip/282?view_id=1&redirect=true

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