ALBERT A. WEBB ASSOCIATES

Initial Study / Mitigated Negative Declaration

8th and Lincoln Industrial Warehouse

Conditional Use Permit 19-8008

Design Review 19-7014

Prepared for the Lead Agency:

BANNING, CA
Established 1913
Proud History
Prosperous Tomorrow

August 2020

www.webbassociates.com

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

FOR

8th and Lincoln Industrial Building

Prepared for:

City of Banning
99 E. Ramsey Street
Banning, CA 92220
Contact: Adam Rush, Community Development Director
(951) 922-3131

Prepared by:

Albert A. Webb Associates
3788 McCray Street
Riverside, CA 92506
Contact: Cheryl DeGano, Principal Environmental Analyst
(951) 320-6052

August 2020

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ACRONYMS LIST

Acronym	Definition
AB52	Assembly Bill 52
ADA	American Disabilities Act
ALUC	Airport Land Use Commission
AQMP	Air Quality Management Plan
APN	Assessor Parcel Number
BMPs	Best Management Practices
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Banning
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
dBA	A-Weighted Decibels
EIC	Eastern Information Center
EIR	Environmental Impact Report
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping Management Program
GHG	Greenhouse Gas
GP	City of Banning Comprehensive General Plan and Zoning Ordinance
HANS	Habitat Evaluation and Acquisition Negotiation Strategy
IS/MND	Initial Study Mitigated Negative Declaration
JPR	Joint Project Review
LID	Low Impact Design
LST	Localized Significance Threshold
MRZ	Mineral Resources Zone
MS4	Municipal Separate Storm Water Sewer System
MSHCP	Western Riverside County Multiple Species Habitat Conservation Plan
$MTCO_2e$	Metric Tons Carbon Dioxide Equivalent
NAHC	Native American Heritage Commission
NEPSSA	Narrow Endemic Plant Species Survey Area
NO_2	Nitrogen Dioxide
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
PM-2.5	Particulate Matter Less Than 2.5 Microns in Diameter
PM-10	Particulate Matter Less Than 10 Microns in Diameter
RCA	Regional Conservation Authority
RCTC	Riverside County Transportation Commission

RTA	Riverside Transit Agency
RWQCB	Regional Water Quality Control Board
SF	Square Feet
SCAQMD	South Coast Air Quality Management District
SLF	Sacred Lands File
SSC	Species of Special Concern
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	US Army Corps of Engineers
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
WQMP	Water Quality Management Plan

ENVIRONMENTAL CHECKLIST FORM

1. **Project title:**
   8th and Lincoln Industrial Building

2. **Lead agency name and address:**
   City of Banning
   99 E. Ramsey Street
   Banning, CA 92220
   (951) 922-3131

3. **Contact person email address and phone number**:
   Adam Rush
   Community Development Director
   arush@banningca.gov (951) 922-3131

4. **Project location:** The Project site is located in the southern portion of the City of Banning, south of Interstate 10 (I-10) at the southeast corner of West Lincoln Street and South 8th Street, Banning CA 92220. Assessor Parcel Number: 540-250-001. The site is at an elevation of approximately 2,300 feet above sea level. Refer to **Figure 1 – Vicinity Map** and **Figure 2 – Project Vicinity**.

5. **Project sponsor's name and address:**
   Banning Lincoln Street Partners, LP
   2811 Wilshire Boulevard, Suite 400
   Santa Monica, CA 90403

6. **General plan designation:**
   The General Plan land use designation for the Project site is Industrial. **See Figure 3 – General Plan Land Use and Zoning Designations**.

7. **Zoning:**
   The Project site is zoned Industrial. (See **Figure 3)** The use as a cannabis growth and distribution facility requires a Conditional Use Permit (CUP).

8. **Project Description:**
   The proposed 8th and Lincoln Industrial Building (hereinafter "Project" or "proposed Project") is located on the southeast corner of West Lincoln Street and South 8th Street, in the City of Banning (City), County of Riverside, California, 92220. The Project site is relatively flat and encompasses four acres (**Figure 4A – Site Plan (Entire Parcel)**);[1] as shown on **Figure 4B – Site Plan (Proposed Development)** development is planned on the northern-most approximate 1.8 gross acres of the Project site.

   The proposed Project involves the construction and operation of an approximately 21,000-square-foot (SF) industrial, non-refrigerated warehouse for use as a cannabis growth and distribution facility. The proposed warehouse includes the following approximate square footages: 2,500 SF of offices and an employee break room; approximately 12,288 SF of grow rooms; approximately 6,031 SF for

[1] Figures commence on page 9.

the mother clone room, dry room packing, and vegetation room; and a loading area with a single 12-feet by 14-feet roll-up door. The project sponsor indicated that the total number of employees will be 13, which includes warehouse employees, office staff and a 24-hour security guard. There will be two shifts per day (6:00 am–2:30 pm and 2:30 pm–11 pm) with approximately six warehouse employees and a security guard on site during each shift (see **Figure 4B –Site Plan (Proposed Development)**).

The proposed Project has been designed to comply with the Industrial zoning standards in the City's municipal code, including but not limited to landscape, setback, lot coverage, and Floor Area Ratio (FAR). The warehouse building will feature one loading door on the south side of the building that will be at the same elevation as the building. The exterior design includes parapets at each building corner and in the middle of the north building elevation, as well as an aluminum awning and a glazed glass entrance at the southwest corner of the building. The approximately 24-feet high building will be finished with an exterior that has a masonry stucco appearance in light tans. (**Figure 5 – Elevations**.

Landscaping and fencing would be provided on site for screening, privacy and security as shown on **Figure 6 – Conceptual Landscape/Hardscape Plan**, which includes 19,500 SF of trees, shrubs, succulents and ground cover. The landscape plan includes shade trees for the parking lot and trees of varying species and heights along the building frontage to include relief and visual interest. The proposed Project site includes 7-foot tube steel fencing on all four sides of the development; on the southern site boundary, the tube steel fence will sit atop a three-foot retaining wall. The east and southern site boundary includes a retention basin that will drain into a detention basin south of the Project site.

The proposed Project includes a heating, ventilation, and air conditioning (HVAC) system that will include an odor-control system designed for cannabis operations to neutralize odors at the exhaust locations of the warehouse. This HVAC system will include a two-step system comprised of a physical filter with charcoal and then a chemical ion that neutralizes odors.

The cannabis growth operation includes use of water for irrigation of plants; this water and associated solid waste will be stored on site in an approximate 2,000-gallon tank. Twice per month, the tank will be drained, and the waste will be disposed offsite in compliance with Section 17.53.130 – *Cannabis Waste Management* of the Banning Municipal Code (BMC) or monitored and pretreated, if necessary, and disposed of in the City's sanitary sewer system.

Access to the site will be from a driveway on South 8th Street that includes decorative pavers and a security gate which will be recessed 30 feet. A gated secondary emergency access will be located at the eastern side of the site on West Lincoln Street and the site will include a 24-hour security guard. As shown on **Figure 4B – Site Plan (Proposed Development)**, the site includes a lighted parking lot with 37 automobile parking spaces, which includes two Americans with Disabilities (ADA) parking spaces. Since the Project applicant does not propose dock doors and the proposed Project will not be serviced by tractor trailers, there is no need or requirement for trailer parking spaces. The Project is responsible for dedicating land and constructing South 8th Street and West Lincoln Street to their ultimate widths along the Project frontage as a secondary highway and major/arterial highway, respectively. The ultimate width east of the centerline of South 8th Street will include two north-bound traffic lanes, curb and gutter and a sidewalk; West Lincoln Street south of the centerline will also consist of two east-bound traffic lanes, curb and gutter and a sidewalk. The street improvements

do not include bike lanes per the Circulation Element in the General Plan (GP) Draft Environmental Impact Report (DEIR). (GP DEIR Exhibit III-11.)

The proposed Project will include the construction of a six-inch diameter sewer line from the building frontage to an existing sewer line in South 8th Street. A subsurface storm drain line will be constructed to run east and south within the Project site to convey flows to the detention basin on the southeast corner of the Project site. A water line will be constructed on the Project site to tie into an existing 12-inch diameter water line in South 8th Street.

Construction of the proposed Project would involve mass grading of the 1.6 acres to be developed. Final Project design includes a net import of 3,960 cubic yards (CY) of fill. Construction is expected to be initiated and completed by 2021.

9. **Surrounding land uses and setting:**
   The adjacent area to the west and east of the Project is primarily vacant and undeveloped; east of 4th Street and west of South 8th Street are industrial/commercial uses. To the south of the Project site are single-family homes. To the north of the Project site is a recycling facility and a vacant warehouse complex.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**
    - Riverside County Airport Land Use Commission
    - Caltrans (encroachment permit)

11. **Tribal Consultation:**
    Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance to tribal cultural resources, procedures regarding confidentiality, etc.?

    To help determine whether a project may have an impact on tribal cultural resources, Public Resource Code section 21080.3.1 requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the (encroachment permit) geographic area of a proposed project. That consultation must take place prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. The City, as lead agency, is also required to coordinate with Native American Tribes through the Assembly Bill 52 (AB52) consultation process.

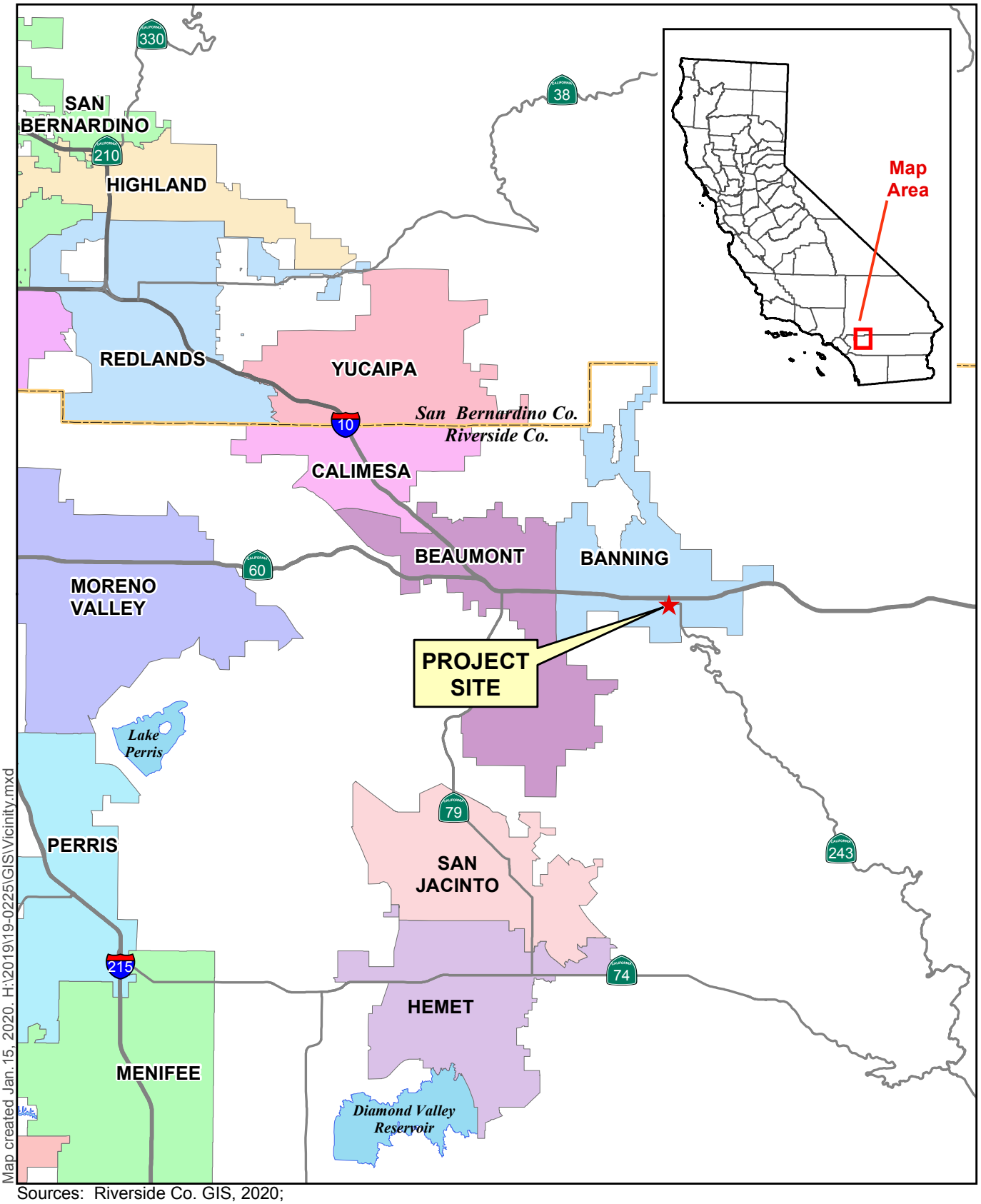
    AB52, effective July 2015, Section 1 of the bill states the legislature's intent as follows: In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:

    - Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.

- Establish a new category of resources in the California Environmental Quality Act called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
- Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
- Recognize that California Native American tribes may have expertise regarding their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.
- In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental Quality Act environmental review process, so that tribal cultural resources can be Discussion Draft Technical Advisory: AB52 and Tribal Cultural Resources in CEQA.

As a result of AB52, the following must take place: 1) prescribed notification and response timelines; 2) consultation on alternatives, resource identification, significance determinations, impact evaluation, and mitigation measures; and 3) documentation of all consultation efforts to support CEQA findings. Under AB52, if a lead agency determines that a project may cause a substantial adverse change to a Tribal Cultural Resource, the lead agency must consider measures to mitigate that impact.

On December 18, 2019, the City of Banning notified local tribal governments in writing of the proposed Project pursuant to AB52 pertaining to tribal cultural resources consultation. The consultation process is discussed in Section XVIII – Tribal Cultural Resources of this Initial Study.



Sources: Riverside Co. GIS, 2020;
San Bernardino Co. GIMS, 2019.

0 2 4 6 Miles

Figure 1 - Vicinity Map

8th and Lincoln Industrial Building

ALBERT A. WEBB ASSOCIATES

H:\2019\19-0225\GIS\Aerial.mxd; Map created 16 Jan 2020

Sources: Riverside Co. GIS, 2020; (parcels, roads) and 2016 (imagery).

0 300 600 Feet

Figure 2 - Project Site

8th and Lincoln Industrial Building

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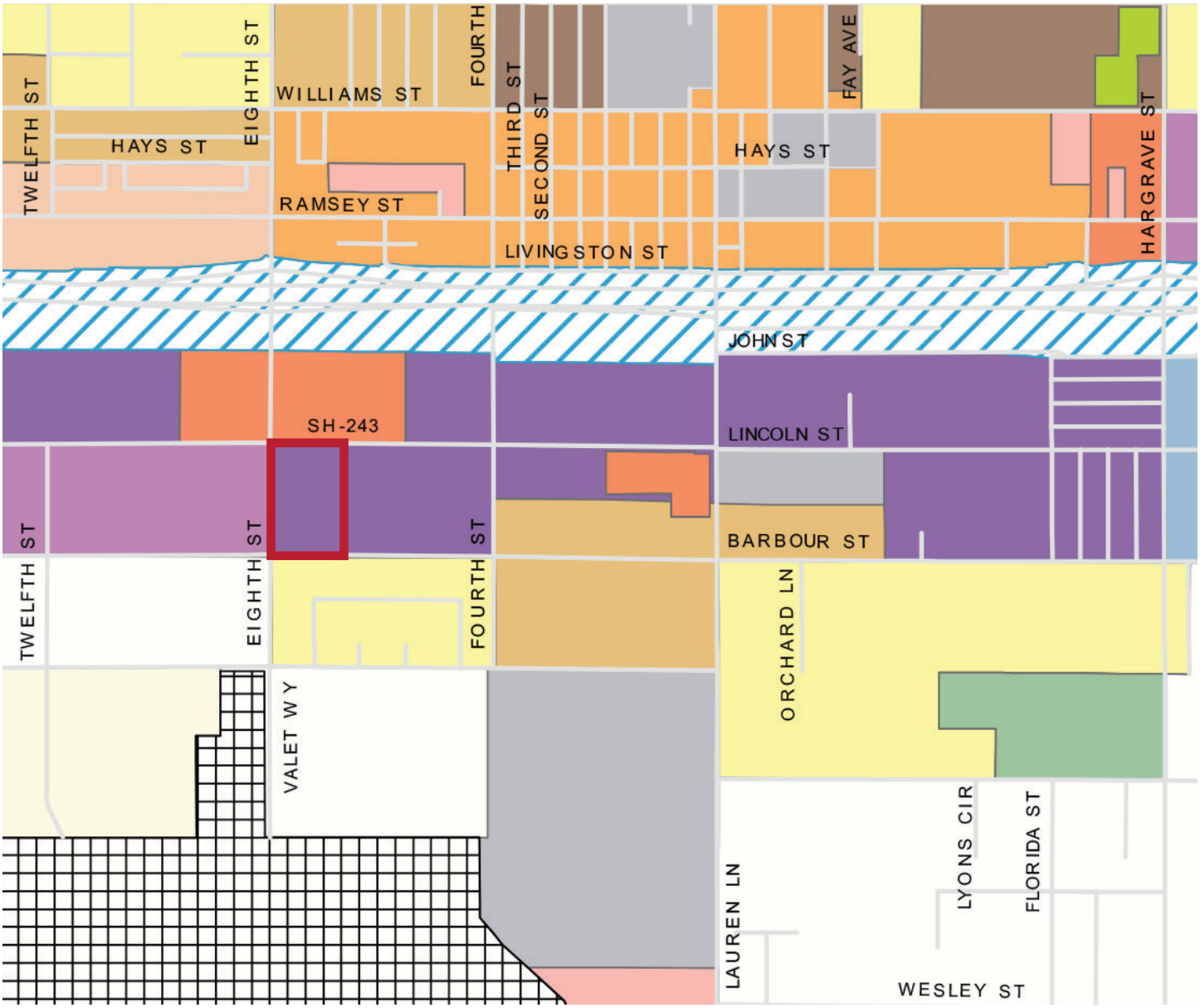

Legend

Project Boundary

General Plan

- Business Park
- Downtown Commercial
- General Commercial
- High Density Residential (11-18 du/ac)
- Highway Serving Commercial
- Industrial
- Low Density Residential (0-5 du/ac)
- Medium Density Residential (0-10 du/ac)
- Mobile Home Parks
- Open Space - Parks
- Professional Office
- Public Utilities
- Public Facilities - Railroad Interstate
- Rural Residential (0-1 du/ac)

Zoning Overlay

- RL-10,000
- RL-14,000

Scale: Not to Scale

Figure 3 - General Plan Land Use & Zoning

8th and Lincoln Industrial Building

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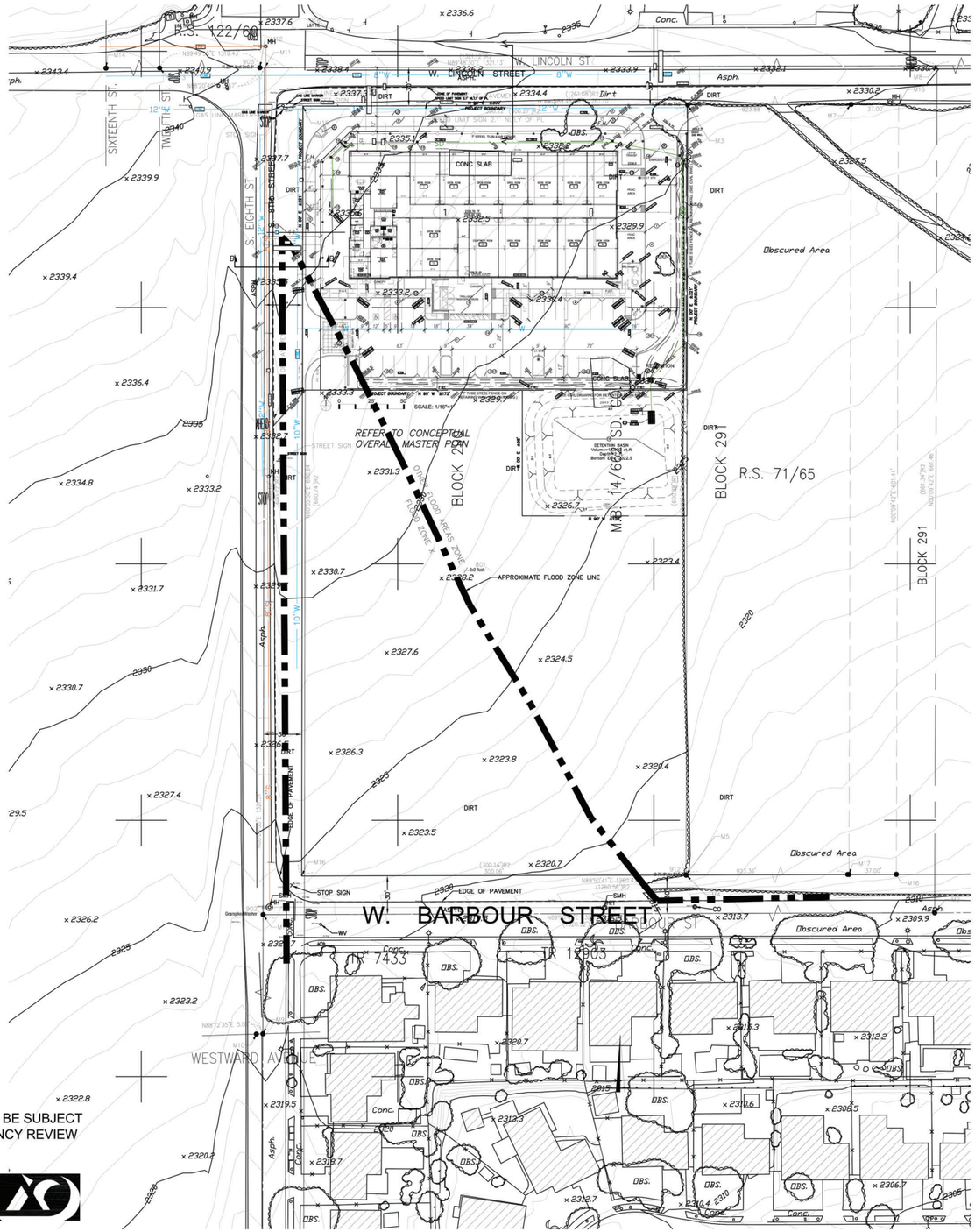

DISCLAIMER:
ALL INFORMATION CONTAINED HEREIN MAY BE SUBJECT TO CHANGE PENDING OWNER AND OR AGENCY REVIEW AND IS FOR INFORMATION ONLY

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Scale: Not to Scale

Figure 4A - Site Plan (Entire Parcel)

8th and Lincoln Industrial Building

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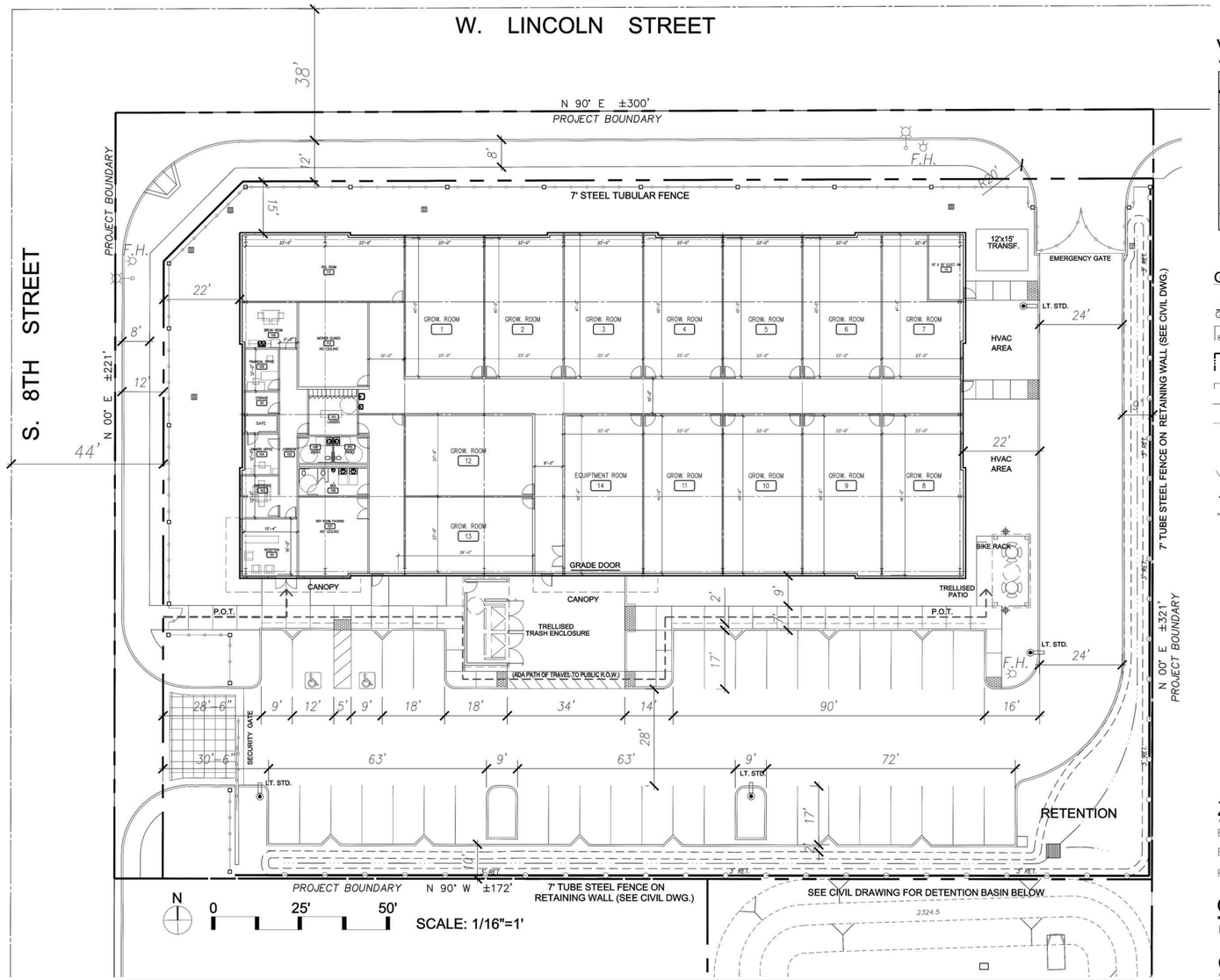
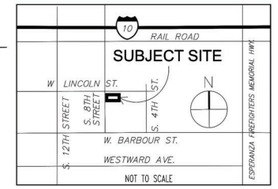


VICINITY MAP:



GRAPHIC LEGEND:

- O = OFFICE ENTRY
- G.D. = GRADE DOOR (14'X14')
- = A.D.A. ACCESSIBLE PRKG.
- = PROPERTY LINE (SEE CIVIL)
- = CANOPY OR OVERHANG
- = CENTERLINE OR GRID LINE
- = EASEMENT (SEE CIVIL)
- = TRASH ENCLOSURE WITH SOLID ROOF, A.D.A ACCESIBLE
- = WB-67' TRACTOR TRAILER
- = ADA PATH OF TRAVEL
- = STEEL TUBULAR FENCE

SHEET # SHEET DESCRIPTION:

COLOR EXHIBITS

CONCEPT COLOR BUILDING ELAVATIONS
CONCEPT COLOR LANDSCAPE PLAN

PROJECT TEAM:

ARCHITECT:
ARCHITECTS ORANGE
144 NORTH ORANGE STREET
ORANGE, CALIFORNIA 92866
CONTACT: DAN MACDAVID
714-639-9860 – PRINCIPAL
OR STEPHEN PRZYBYLOWSKI
714-417-1122 – SENIOR DESIGNER

CIVIL ENGINEER:
HUNSAKER & ASSOCIATES IRVINE,INC.
JESSE GREEN
3 HUGHES IRVINE, CA 92618
OFFICE 949-583-1010 MOBILE 714-812-1068
swcivil@gmail.com

LANDSCAPE ARCHITECT:
SPLA
SCOTT PETERSON LANDSCAPE ARCHITECT
2883 VIA RANCHEROS WAY
FALLBROOK, CA 92028
CONTACT: SCOTT-(760) 842-8993
ANGELA-(714) 398-4879 scott@splain.com

OWNER REPRESENTATIVE:
EVAN JAMES
CHIEF OPERATING OFFICER
DOMINION PROPERTY PARTNERS LLC
2811 WILSHIRE BLVD. SUITE 400
SANTA MONICA, CA 90403
O:(310)-664-7144 M:(310)488-0069
ej@dominionllc..com

ZONING / LAND USE:

EXISTING ZONING – INDUSTRIAL
EXISTING: – VACANT
PROPOSED: – OFFICE / WAREHOUSE / MANUFACTURING

ZONING / LAND USE:

APN 540-250-001

OCCUPANCY CLASSIFICATION:

BUILDING: BS1, F1

GENERAL NOTES:

THE LIGHT INDUSTRIAL (IL) ZONE ONLY REQUIRES A 10' SET BACK ON ALL FRONTAGES. THE PROPOSED INDUSTRIAL WAREHOUSE FACILITY SHALL BE DEVELOPED ON ACCORDANCE (DEVELOPMENT STANDARDS) OF THE CITY BANNING DEVELOPMENT CODE.

ALL PROPOSED SIGNAGE SHALL BE IN COMPLIANCE TO CITY OF BANNING DEVELOPMENT CODE.

SITE DATA TABLE

BUILDING	GROSS LAND AREA AC	GROSS LAND AREA SF	FAR %	BLDG. FOOT PRINT	BLDG. MEZZ.	TOTAL BLDG. S.F.	OFFICE S.F.	WAREHOUSE S.F.	OFFICE PARKING	WAREHOUSE PRKG.	PARKING REQ.	PARKING PROV.
1	1.8AC±	78,408±	26.7%	21,000	~	21,000	2,500	17,500	~	~	37	37

NET LAND AREA WITHOUT DETENTON AREA = 57,585± LANDSCAPE AREA = 19,500SF± OR 24.8% OF GROSS LAND AREA PARKING = 1/600 + 2 STALLS

DRIVE PAVING AREA = 10,490SF± DRIVE PAVING AREA + PARKING = 17,360SF±

PROJECT DESCRIPTION:

THE BUILDING IS TO BE CONSTRUCTED ON THE NORTH 1.59AC PORTION OF THE SITE. THE PROPOSED BUILDING IS 21,000SF FOOT PRINT! THE BUILDING WILL BE USED AS A CANNABIS GROW / DISTRIBUTION FACILITY.

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DISCLAIMER:

ALL INFORMATION CONTAINED HEREIN MAY BE SUBJECT TO CHANGE PENDING OWNER AND OR AGENCY REVIEW AND IS FOR INFORMATION ONLY

Scale: Not to Scale

Figure 4B - Site Plan (Proposed Development)

8th and Lincoln Industrial Building

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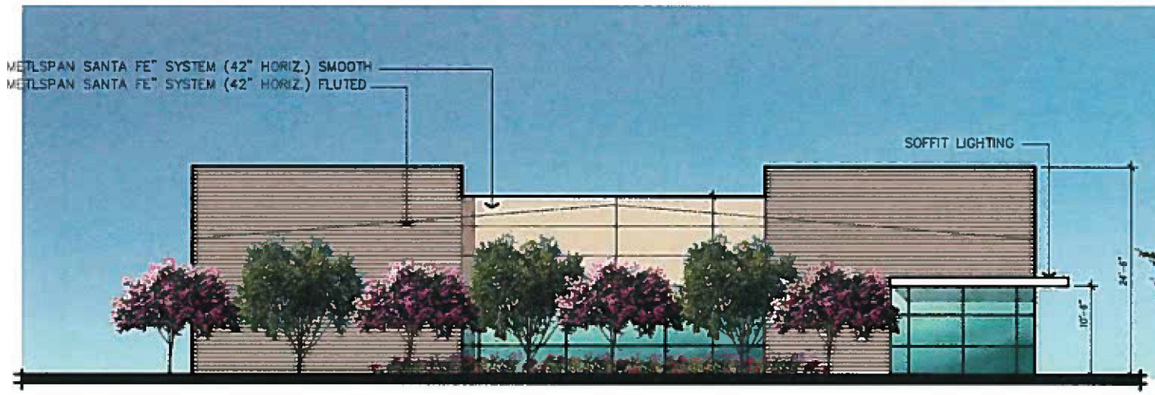
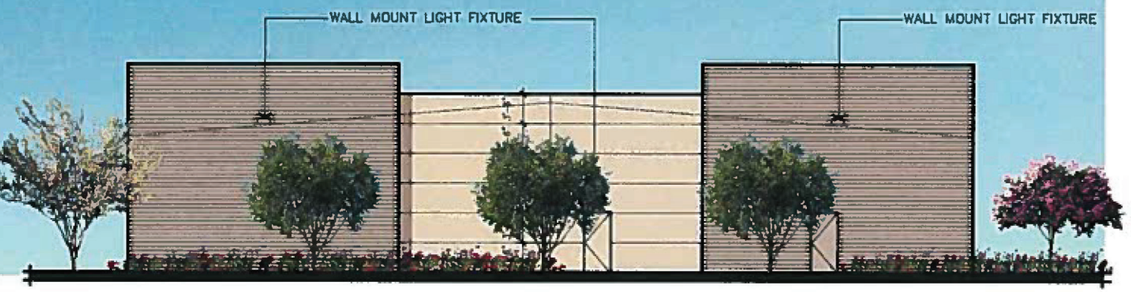
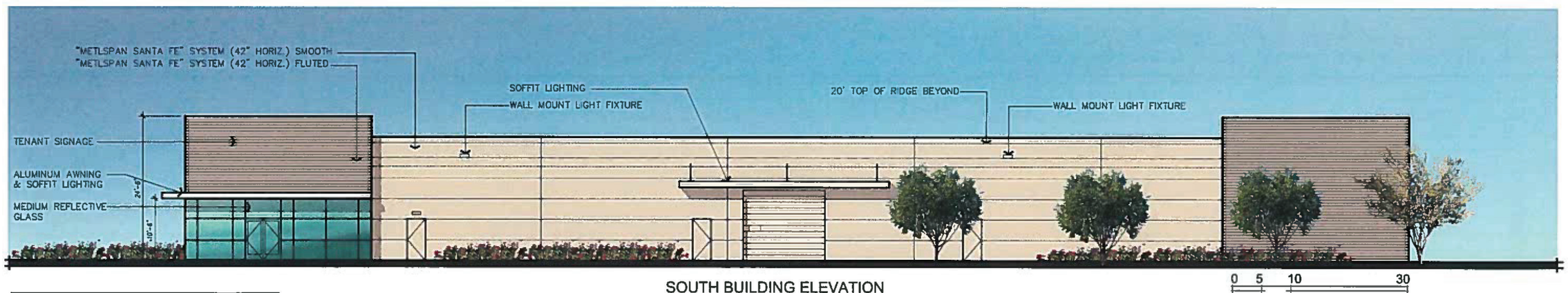
NORTH BUILDING ELEVATION (LINCOLN STREET ELEVATION)



WEST BUILDING ELEVATION (8TH STREET ELEVATION)



EAST BUILDING ELEVATION



SOUTH BUILDING ELEVATION

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Figure 5 - Elevations

8th and Lincoln Industrial Building

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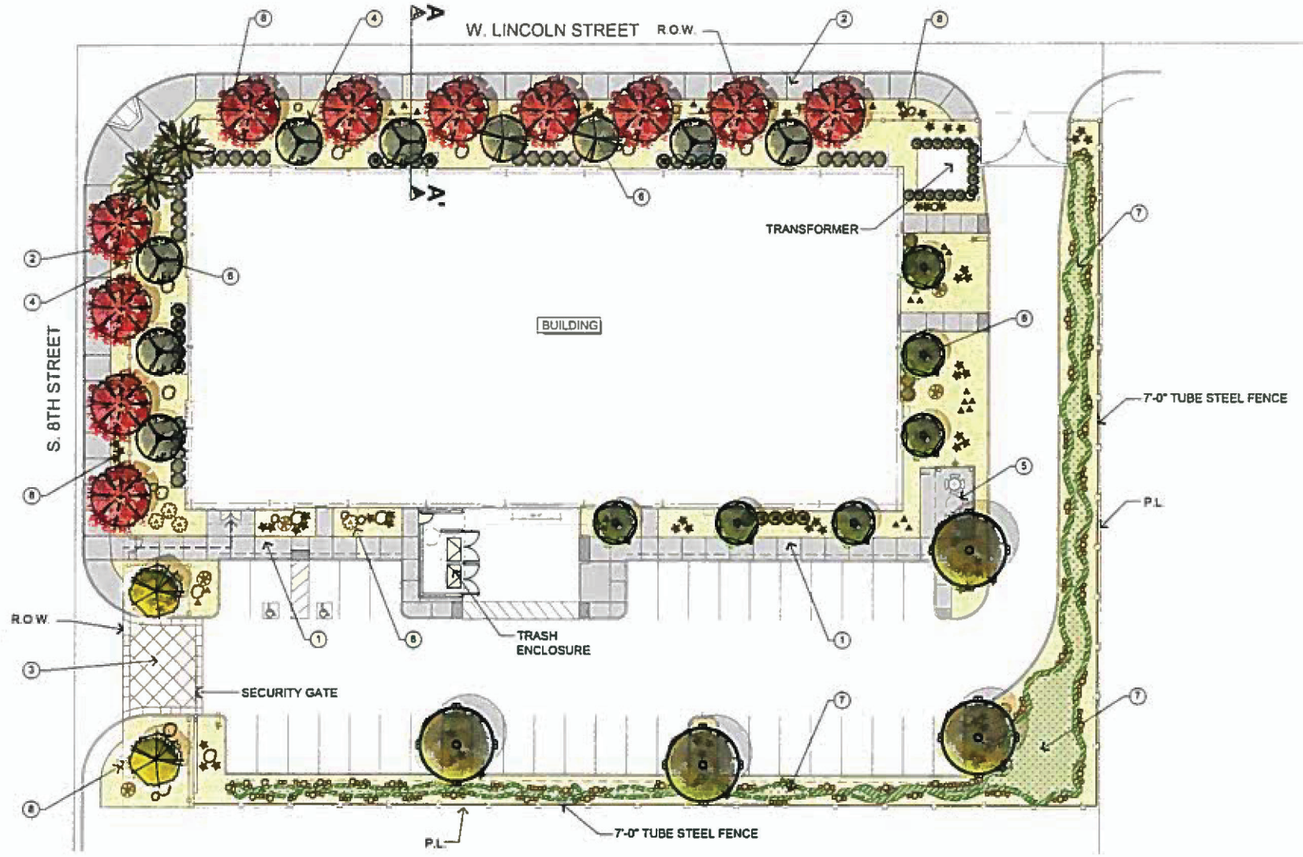
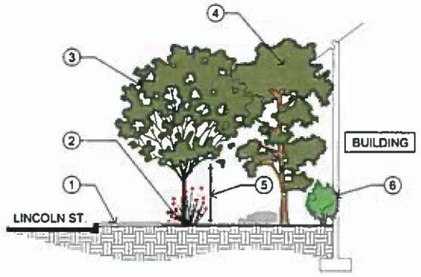


DESIGN KEY NOTES:

1. TYP. CONCRETE PAVING WITH MEDIUM BROOM FINISH.
2. TYP. PUBLIC SIDEWALK PER CIVIL PLANS.
3. ENHANCED VEHICULAR ENTRY PAVING CONSISTING OF NATURAL GRAY CONCRETE WITH 4'X4' GRID PATTERN WITH MEDIUM SAND BLAST FINISH. 24" CONCRETE BAND SURROUNDING PAVING.
4. TYP. 7'-0" HIGH TUBE STEEL FENCE.
5. TYP. BREAK CONCRETE PATIO WITH TRELLIS SHADE STRUCTURE ABOVE.
6. VERTICAL TREE AGAINST BUILDING PER LEGEND
7. PROPOSED BIO-SWALE AREA PER CIVIL DWGS.
8. D.G. AREA WITH ASSORTED SUCCULENTS AND BOULDERS.

LANDSCAPE AREA = 19,500 SQ. FT.



SECTION 'A-A'

SCALE: 1/8" = 1'-0"

SECTION 'A-A' KEY NOTES:

1. EXISTING SIDEWALK PER CIVIL DWGS.
2. ASSORTED SUCCULENTS AND BOULDERS PER LEGEND.
3. NEW STREET TREE ALONG LINCOLN ST. PER LEGEND.
4. VERTICAL TREE ALONG BUILDING PER LEGEND.
5. 7'-0" HIGH TUBE STEEL FENCE PER ARCH. DWGS.
6. DROUGHT TOLERANT SHRUB ALONG BUILDING PER LEGEND.

SCOTT PETERSON LANDSCAPE ARCHITECT, INC.
2983 VIA RANCHEROS WAY
FALLBROOK, CA 92028
PH: 760-612-8900

0 20' 40' 60'

SCALE: 1" = 20'-0"

CONCEPTUAL PLAN NOTE:

THIS IS A CONCEPTUAL LANDSCAPE PLAN. IT IS BASED ON PRELIMINARY INFORMATION WHICH IS NOT FULLY VERIFIED AND MAY BE INCOMPLETE. IT IS MEANT AS A COMPARATIVE AID IN EXAMINING ALTERNATE DEVELOPMENT STRATEGIES AND ANY QUANTITIES INDICATED ARE SUBJECT TO REVISION AS MORE RELIABLE INFORMATION BECOMES AVAILABLE.

IRRIGATION NOTE:

THE PROJECT WILL BE EQUIPPED WITH A LOW FLOW IRRIGATION SYSTEM CONSISTING OF ET WEATHER BASED SMART CONTROLLER, LOW FLOW ROTORS, BUBBLER AND/ OR DRIP SYSTEMS USED THROUGHOUT. THE IRRIGATION WATER EFFICIENCY WILL MEET OR SURPASS THE CURRENT STATE MANDATED AB-1881 WATER ORDINANCE.

WUCOLS PLANT FACTOR

THIS PROJECT IS LOCATED IN "WUCOLS" REGION "4-SOUTH INLAND VALLEY".

H = HIGH WATER NEEDS
M = MODERATE WATER NEEDS
L = LOW WATER NEEDS
VL= VERY LOW WATER NEEDS

PLANTING LEGEND

TREES

SYMBOL	TREE NAME	QTY.	WUCOLS
	ACCENT PALMS PHOENIX DACYLIFERA, DATE PALM 16'-0" BTH	2	L
	NEW STREET TREE ALONG LINCOLN ST. & S. 8TH ST. LAGERSTROEMIA I. 'WATERMELON RED', CRAPE MYRTLE 24" BOX SIZE.	11	M
	EVERGREEN SCREEN TREE ALONG BUILDING QUERCUS ILEX, HOLLY OAK 15 GAL. SIZE.	7	L
	EVERGREEN SCREEN TREE ALONG BUILDING ACACIA STENOPHYLLA, SHOESTRING ACACIA 15 GAL. SIZE.	2	L
	VERTICAL TREE ALONG BUILDING BRACHYCHITON POPULNEUS, BOTTLE TREE 15 GAL. SIZE.	6	L
	CANOPY PARKING LOT TREE PROSOPIS CHILENSIS, CHILEAN MESQUITE 24" BOX SIZE.	4	L
	FLOWERING ACCENT TREE CERCIDIUM X 'DESERT MUSEUM', BLUE PALO VERDE 36" BOX SIZE.	11	L

SHRUBS

SYMBOL	SHRUB NAME	WUCOLS
	LEUCOPHYLLUM FRUTESCENS, TEXAS RANGER 5 GAL. SIZE	L
	WESTRINGIA FRUTICOSA, COAST ROSEMARY 5 GAL. SIZE	L

ACCENT SUCCULENTS

SYMBOL	SHRUB NAME	WUCOLS
	HESPERALOE PARVIFOLIA, RED YUCCA 5 GAL. SIZE.	L
	AGAVE AMERICANA, CENTURY AGAVE 5 GAL. SIZE.	L
	BOUGAINVILLEA GROUNDCOVER 5 GAL. SIZE.	L
	EROSION CONTROL GROUND COVER AT BASIN SLOPES BACCHARIS PILULARIS, COYOTE BRUSH 1 GAL. SIZE @ 30" O.C.	L
	PROPOSED BIO-SWALE AREA WITH CAREX GRASS	L
	3" MIN. THICK DECOMPOSED GRANITE	

GENERAL NOTES:

- SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH EROSION CONTROL GROUND COVER PER LEGEND, AND MULCH MATERIAL WITH "BINDER" MATERIAL SHALL BE APPLIED FOR EROSION CONTROL.
- ROCK RIP-RAP MATERIAL SHALL BE INSTALLED WHERE DRAIN LINES CONNECT TO INFILTRATION AREAS.
- ALL UTILITY EQUIPMENT SUCH AS BACKFLOW UNITS, FIRE DETECTOR CHECKS AND FIRE CHECK VALVES WILL BE SCREENED WITH EVERGREEN PLANT MATERIAL ONCE FINAL LOCATIONS HAVE BEEN DETERMINED.

Figure 6 - Conceptual Landcape / Hardscape Plan

8th and Lincoln Industrial Building

ALBERT A. WEBB ASSOCIATES

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION:

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature  Date 8/5/2020

Adam Rush,
Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved *(e.g., the project falls outside a fault rupture zone)*. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards *(e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis)*.

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. **Earlier Analysis Used.** Identify and state where they are available for review.
    b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts *(e.g., general plans, zoning ordinances)*. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significant.

ENVIRONMENTAL FACTORS: ENVIRONMENTAL CHECKLIST	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
I. Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Aesthetics Discussion:

a) Would the project have a substantial adverse effect on a scenic vista?

The City of Banning (City) defines visual resources as those physical features that enhance the City's aesthetic and scenic character. The majority of the City is located within the narrow east-west trending valley of the San Gorgonio Pass, which is dominated by the San Bernardino Mountains along the northern end of the valley and the San Jacinto Mountains along the southern end of the valley. (GP DEIR, p. III-189.) These mountain ranges present impressive viewsheds and dramatic scenery, including frequently snow-covered mountain peaks and ranges with rugged slopes.

Development projects can potentially impact scenic vistas in two ways: 1) directly diminishing the scenic quality of the vista, or 2) by blocking the view corridors or "vistas" of scenic resources. The proposed Project site is located within an area of the City in which the terrain is generally flat. The Project proposes the construction and operation of a warehouse. The warehouse height is 24-feet and is located in an area of the City that is zoned Industrial. Given its relatively low profile and will not substantially obstruct views of the San Bernardino or San Jacinto Mountains, or views of the vacant land surrounding it to the north, south, and east. Therefore, impacts will be **less than significant.**

Source: GP DEIR; Project Description

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

A portion of State Highway 243 is designated as a state scenic highway where it occurs in the City's southern Sphere of Influence; however, the City's GP Draft Environmental Impact Report (DEIR) determined that development pursuant to the City's GP would have a limited impact to viewsheds along this corridor (GP DEIR, p. III-190). The proposed Project site is located approximately 1.25 miles to the west of this section of State Highway 243. Furthermore, there are existing residential, commercial, and school land uses existing between the Project site and Highway 243 and the Project does not propose tall structures that could potentially impact

the visual character of the state scenic highway. Additionally, the Project site is currently vacant and does not contain any significant trees, rock outcroppings, or historic buildings. Therefore, impacts will be **less than significant.**

Source: GP DEIR

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

To be conservative, impacts to both urbanized and non-urbanized areas have been analyzed. The Project site is currently vacant and relatively flat, adjacent to vacant land to the east and west, residential to the south, and industrial uses to the north. The proposed Project consists of construction and operation of a warehouse and will comply with all applicable design standards for Industrial and cannabis projects in the BMC Development Standards in Chapter 17.24 and Chapter 17.53, respectively. Therefore, the Project will not introduce a new use to the vicinity or conflict with existing zoning, will not violate any regulations governing scenic quality, and will not substantially degrade public views, the quality of the site and its surroundings. Therefore, impacts will be **less than significant.**

Source: BMC, Project Description

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

During Project construction, nighttime lighting may be used within construction staging areas to provide security for construction equipment only. Nighttime lighting will not be needed to support construction since construction hours will comply with the City of Banning's Municipal Code Section 8.44.090 that requires construction activity be between the hours of 7:00 AM and 6:00 PM. Due to the proposed Project being located on the corner of two streets, such security lights may cause glare to motorists. Lighting for the Project and construction will comply with the City's Municipal Code Section 17.12.170(D) that requires light shielding not spill beyond the boundaries of the site, reducing any anticipated glare to motorists.

The proposed Project will not introduce substantial new daytime glare to the area because it will consist of a warehouse with few windows. As shown on **Figure 6**, the areas in the Project building with office space are on the west and southwest side; these are the only locations on the building that would have glazed windows. The proposed Project will introduce new sources of nighttime light and glare into the area from improved street lighting and additional security lighting at the Project site. However, all lighting at the Project site will be designed pursuant to Section 17.12.170 of the City's Municipal Code, which includes requirements for industrial lighting, including shielded exterior lights that point downward and away from adjoining properties (Zoning Ord. § 9106.03(11)). Therefore, measures to be incorporated into the Project design will avoid the creation of substantial light and glare, and any residual impacts will be **less than significant.**

Source: BMC; Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
II. Agricultural and Forestry Resources				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Agricultural Resources Discussion:

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The proposed Project is not located within areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. According to the California Department of Conservation *Farmland Mapping and Monitoring Program* (FMMP), the Project site consists of farmland of Local Importance and is adjacent to Urban and Built-Up to the north and south. Thus, the proposed Project will convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, **no impacts** are anticipated.

Source: FMMP

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project is not located within a Williamson Act contract; the closest Williamson Act contract land is south of Westward Avenue, located approximately 1.3 miles to the southwest. Per the GP, there were three Williamson Act contracts in effect over approximately 3,500 acres within the City's GP planning area. These

include lands located in the City limits near the Banning Bench, in the northwest portion of the planning area between Highland Springs Avenue and Highland Home Road, and in the City's southerly sphere of influence south of Westward Avenue. (GP, p. IV-22.) These lands are being phased out due to urbanization, although residential land uses that allow for agricultural and ranching activities are provided for under the GP (GP DEIR, p. III-11). According to the most recent information for the status of Williamson Act land, only the lands in the southwest portion of the City is still under the Williamson Act. Since the Project is zoned Industrial and it is not designated as Williamson Act land or change a land use in the vicinity of a Williamson Act contract **no impacts** are anticipated.

Source: GP; GP DEIR

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The proposed Project site is within the City of Banning which does not have a zoning designation for forest land, timberland, or timberland zoned Timberland Production within City limits. Therefore, **no impacts** are anticipated.

Source: GP

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

The proposed Project site is within the City of Banning which does not have a zoning designation for forest land, timberland, or timberland zoned Timberland Production within City limits. Therefore, **no impacts** are anticipated.

Source: GP

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed Project involves constructing and operating a warehouse for cannabis cultivation and distribution. According to the California Department of Conservation *Farmland Mapping and Monitoring Program* (FMMP), the Project site consists of and is adjacent to Farmland of Local Importance and has Urban and Built-Up Land directly adjacent on the south. Additionally, the City's GP does not identify any forest land uses within the City's limits. Thus, the Project will not result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use**.** Therefore, **no impacts** are anticipated.

Source: FMMP; GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
III. Air Quality				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☒	☐

Air Quality Discussion:

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The City of Banning and the San Gorgonio Pass are located in the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) prepares the Air Quality Management Plan (AQMP) for the Basin. The AQMD sets forth a comprehensive program that will lead the Basin into compliance with all federal and state air quality standards. The AQMP's control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, if a project demonstrates compliance with local land use plans and/or population projections, then the AQMP would have taken into account such uses when it was developed.

According to the City's GP Land Use Map and Zoning Ordinance, the proposed Project is zoned Industrial. The proposed Project involves the construction and operation of a warehouse for cannabis cultivation and distribution, which requires a Conditional Use Permit. As such, the proposed Project will not conflict with any land use plan. Additionally, the proposed Project does not propose any new housing and will not cause an increase in population. Thus, because the proposed Project is compliant with local and use plans and population projections, the proposed Project would not conflict with or obstruct implementation of the AQMP. Therefore, impacts will be **less than significant**.

Source: GP; PD

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality?

The portion of the Basin within which the proposed Project site is located is designated as a non-attainment area for ozone and PM-2.5 under both the State and federal standards and in a non-attainment area for PM-10 under State standards (CARB-A). The SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same (SCAQMD-A). Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Based on SCAQMD's regulatory jurisdiction over regional air quality, it is reasonable to rely on its thresholds to determine whether there is a cumulative air quality impact.

Air quality impacts can be described in a short- and long-term perspective. Short-term impacts occur during site grading and Project construction and consist of fugitive dust and other particulate matter, as well as exhaust emissions generated by construction-related vehicles. Long-term air quality impacts occur once the Project is in operation. The Project involves the construction and operation of a warehouse for cannabis cultivation and distribution, which requires a Conditional Use Permit; therefore, both short- and long-term emissions were analyzed in the Project's *Air Quality/Greenhouse Gas Analysis for the Lincoln Street Industrial Warehouse Project* prepared by Albert A. Webb Associates, dated March 31, 2020 (WEBB-A) and provided in Appendix A.

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. Compliance with this rule is achieved through application of standard best management practices in construction and operation activities, such as application of water or chemical stabilizers to disturbed soils, managing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. In addition, projects that disturb 50 or more acres or more of soil or move 5,000 cubic yards of materials per day are required to submit a Fugitive Dust Control Plan or a Large Operation Notification Form to SCAQMD. Based on the size of the Project's daily disturbance area (less than five acres), a Fugitive Dust Control Plan or a Large Operation Notification Form would not be required. To evaluate Project compliance with SCAQMD Rule 403 for fugitive dust control, the Project utilized the mitigation option in CalEEMod of watering the Project site three times daily which achieves a control efficiency of 61 percent for particulate matter less than 10 and 2.5 microns in diameter (PM-10 and PM-2.5) emissions.

To reduce impacts, the City has established nuisance abatement ordinances dealing with smoke and soot such as that which is generated by internal combustion engines, residential fireplaces or stoves, or industrial smokestacks (GP DEIR). The proposed Project involves the construction and operation of a warehouse for cannabis cultivation and distribution, which requires a Conditional Use Permit that will not generate smoke or soot during operation.

Short-term emissions were evaluated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 computer program. The CalEEMod modeling output (WEBB-A) is included in Appendix A. Short-term emissions consist of fugitive dust and other particulate matter, as well as exhaust emissions generated by construction-related vehicles. The default parameters within CalEEMod were used, except as identified below, and these default values generally reflect a worst-case scenario, which means that Project emissions are expected to be equal to or less than the estimated emissions.

Construction of the Project, will be approximately ten months, is anticipated to begin no sooner than June 2020 with grading and end with paving activities in April 2021, as identified on **Table A – Construction Schedule**:

Table A – Construction Schedule

Construction Activity	Start Date	End Date	Total Working Days
Grading	June 1, 2020	June 12, 2020	10 days
Building Construction	June 15, 2020	April 15, 2021	219 days
Paving	April 9, 2021	April 15, 2021	5 days

Source: WEBB-A

The equipment to be used for each construction activity is shown in **Table B – Construction Equipment List** and is based on based on Applicant-provided estimates and CalEEMod defaults. Each piece of equipment is assumed to operate 8 hours per day.

Table B – Construction Equipment List

Construction Activity	Start Date	End Date
Grading	Graders	1
	Rubber Tired Dozers	1
	Tractors/Loaders/Backhoes	1
Building Construction	Cranes	1
	Forklifts	1
	Generator Sets	1
	Tractors/Loaders/Backhoes	1
	Welders	3
Paving	Pavers	1
	Paving Equipment	1
	Rollers	1
	Tractor/Loader/Backhoes	1
	Cement and Mortar Mixers	1

Source: WEBB -A

- To evaluate Project compliance with SCAQMD Rule 403 for fugitive dust control, the Project utilized the mitigation option of watering the Project site three times daily which achieves a control efficiency of 61 percent for PM-10 and PM-2.5 emissions. Two (2) one-way vendor trips per day were added to the grading and paving activities to account for water truck trips.
- Approximately 3,960 cubic yards (cy) of soil will be imported during grading operations, of which 500 cy will be obtained from the on-site basin. Truck capacity is assumed to be 16 cubic yards, resulting in approximately 216 truckloads of import over a 10-day period, or approximately 22 truckloads per day. The import site is currently unknown. Therefore, the CalEEMod default was utilized which assumes a hauling trip length of 20 miles per trip.
- Off-site infrastructure improvements will also be required for water and sewer pipeline connections in South Eighth Street within the proposed street improvements along the Project frontage of South Eighth Street and Lincoln Street. The off-site improvements will disturb approximately 0.44 acres.
- The warehouse will be constructed with a prefinished metal building; therefore, an architectural coating (painting) phase is not required.

Maximum daily emissions from Project construction are summarized in **Table C – Estimated Maximum Daily Construction Emissions**, on the following page, and compared to the SCAQMD's daily regional thresholds.

Table C – Estimated Maximum Daily Construction Emissions

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
SCAQMD Daily Construction Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Grading-2020	2.05	**30.32**	10.07	**0.05**	**4.25**	**2.39**
Building Construction-2020	2.49	18.76	16.54	0.03	1.48	1.04
Building Construction-2021	**2.23**	17.21	**16.03**	0.03	1.35	0.91
Paving-2021	**1.38**	8.94	**10.41**	0.02	0.62	0.47
Maximum [1]	**3.61**	**30.32**	**26.44**	**0.05**	**4.25**	**2.39**
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: WEBB-A, Table 2.
Notes: VOC = Volatile Organic Compounds; NO_X = Nitrogen oxides; CO = Carbon monoxide; SO_2 = Sulfur dioxide; PM-10 = Particulate matter less than 10 microns; PM-2.5 = Particulate matter less than 2.5 microns.
[1] Maximum emissions are the greater of either Grading or Building Construction 2020 alone or the sum of Building Construction 2021 and Paving in 2021. Maximum emissions are shown in bold.

As shown in **Table C**, above, the emissions from construction of the Project are below the SCAQMD daily construction thresholds for all the criteria pollutants. In addition, the short-term emissions do not exceed SCAQMD's localized significance thresholds (LST) without mitigation, as contained in WEBB-A. Therefore, construction emissions for the Project will be below SCAQMD's criteria pollutant thresholds on a regional and localized level.

Long-term emissions from Project operation were also evaluated using the CalEEMod program (WEBB-A). The Project is assumed to be operational in 2021. Three types of sources are estimated in CalEEMod: area, energy, and mobile. Mobile source emissions refer to on-road motor vehicle emissions generated from the Project's traffic and based on the trip generation provided in the Project-specific Traffic Memorandum (WEBB-C). Area source emissions include the use of consumer products, residential hearths (fireplaces), yard and landscape maintenance, and an average building square footage to be repainted each year. Energy source emissions are associated with building electricity and natural gas usage (non-hearth). CalEEMod computes area and energy source emissions based upon default factors and land use assumptions. CalEEMod defaults were modified with utility-specific information from the City of Banning. The Project will not require natural gas usage and therefore was not modeled. The estimated Project specific energy use rates were used based on the Applicant-provided annual electricity consumption estimate of approximately 3,000,000 kilowatt-hours per year. Although the Project proposes solar panels to offset some of this consumption, these reductions were not quantified to provide a more conservative analysis.

The maximum emissions from Project operation are summarized in **Table D – Estimated Maximum Daily Operational Emissions**, on the following page, and are compared to the SCAQMD daily regional thresholds. **Table D** shows the maximum operational emissions are below thresholds.

SCAQMD has also developed long-term operational LST. According to the LST methodology, LSTs only apply to the operational phase if a project includes stationary sources or attracts mobile sources that may spend long periods of time idling at the site, such as warehouse/transfer facilities. The proposed Project does not include such uses. Therefore, due to the lack of stationary source emissions, no long-term LST analysis is needed.

Table D – Estimated Maximum Daily Operational Emissions

Activity	Peak Daily Emissions (lb/day)					
	VOC	NO_X	CO	SO_2	PM-10	PM-2.5
SCAQMD Daily Operational Thresholds	**55**	**55**	**550**	**150**	**150**	**55**
Area	0.50	0.00	0.01	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile	0.18	1.33	2.50	0.01	0.79	0.22
Daily Project Emissions[1]	**0.68**	**1.36**	**2.51**	**0.01**	**0.79**	**0.22**
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: WEBB-A, Table 3 and Table 4.
Note:[1] Highest emissions between total of summer and winter are represented.

Based on the analysis presented above, the short-term construction and long-term operation of the Project will not exceed applicable regional or localized thresholds established by SCAQMD. Thus, the proposed Project will not cause a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment. Therefore, impacts will be **less than significant**.

Source: CARB-A, SCAQMD-A, WEBB-A, WEBB-C, GP DEIR

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

As detailed in WEBB-A, the closest sensitive receptors to the Project site are the residences located 102 meters (335 feet) south of the Project site. The short-term emissions, generated in the Project area during construction of the proposed Project and long-term emissions that will be generated during the Project operation, have been found to be below the applicable Localized Significance Thresholds (LST) established for the Project by SCAQMD and, thus, are less than significant (see *Response III.b*, above). Thus, the proposed Project will not expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts will be **less than significant**.

Source: WEBB-A

d) Would the project result in other emissions (such as those leading to odors) affecting a substantial number of people?

The proposed Project presents the potential for generation of other emissions such as odors in the form of diesel exhaust during construction in the immediate vicinity of the proposed Project site. Odors generated during construction will be short-term and will not result in a long-term odorous impact to the surrounding area.

Additionally, the California Air Resources Board (CARB) has developed an Air Quality and Land Use Handbook to outline common sources of odor complaints, including sewage treatment plants, landfills, recycling facilities, and petroleum refineries (CARB-B). The Project applicant proposes to operate the warehouse building as a cannabis cultivation and distribution facility, which is not included on CARB's list of facilities that are known to be prone to generate odors.

As discussed in the Project Description, the proposed Project includes an HVAC system that will include an odor-control system designed for cannabis operations to neutralize odors at the exhaust locations of the warehouse. This HVAC system will include a two-step system comprised of a physical filter with charcoal and then a chemical ion that neutralizes odors. Therefore, the Project will not result in other emissions such as odors that would adversely affect a substantial number of people and impacts will be **less than significant**.

Source: CARB-B, WEBB-A, PD

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IV. Biological Resources				
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

Biological Resource Discussion:

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

A *Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis – 8th Street and Lincoln Street Industrial Building Project* (*MSHCP Consistency Analysis*) dated December 11, 2019 was prepared by Wood Environmental and Infrastructure Solutions and is included as Appendix B.1 of this Initial Study (cited herein as WOOD-A). Preparation of the MSHCP Consistency Analysis entailed a literature review and field reconnaissance. The field reconnaissance was conducted on November 26, 2019. The discussion below summarizes the findings of the *MSHCP Consistency Analysis*.

Vegetation

The Project site is undeveloped with no structures and shows evidence of regular mowing for weed abatement and fire control purposes. The majority of the Project site's vegetation is non-native grasslands with trees located in the northern portion of the site. Those areas currently not cleared are dominated by Russian thistle (*Salsola tragus*), short podded mustard (*Hirschfeldia incana*), unknown oat species (*Avena sp.*), ripgut brome

(*Bromus diandrus*), and red brome (*Bromus madritensis ssp. rubens*). The trees include Chinaberry (*Melia azedarach*), pomegranate (*Punica granatum*), and scarlet firethorn (*Pyracantha coccinea*). (WOOD-A, p. 12.)

Sensitive Status Plant Species

No sensitive-status plant species have been reported to occur within the Project site. The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) has determined that all of the sensitive species potentially occurring onsite have been adequately covered. The Project site is located in an MSHCP designated narrow endemic plant species survey area (NEPSSA) for Yucaipa onion (*allium marvinii*) and many stemmed dudleya (*Dudleya multicaulis*); WOOD determined there is not suitable habitat on site to support either of these plant species; therefore, no focused NEPPSA surveys are required. (WOOD-A, Exec Summary, p. 17.) The Project site is not located within any United States Fish and Wildlife Service (USFWS) designated Critical Habitat for any species. (WOOD-A, Executive Summary.)

Riparian/Riverine Areas

Site conditions observed during the site visit did not identify any riparian/riverine areas and/or vernal pool areas. The project site also does not support or lie adjacent to riparian/riverine areas; and therefore, no suitable habitat for the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), western yellow-billed cuckoo *(Coccyzus americanus*) or fairy shrimp species occurs within the Project Site or the offsite impact area. The riparian avian species mentioned above are commonly associated with moderate to dense riparian habitat with willows as the dominant plant species. This habitat is not found within the Project site or immediate vicinity.

The MSHCP characterizes fairy shrimp habitat as any area that ponds water long enough to support fairy shrimp species. The project site does not contain any areas that pond water or areas that have evidence of ponding. Therefore, the habitat associated with fairy shrimp species does not occur on or adjacent to the project site. The project site contains two soil types, Greenfield sandy loamy (GyC2) and Hanford coarse sandy loam (HcC). These soils types allow for the rapid percolation of water (i.e. they do not hold water); and therefore, will not provide the necessary ponding required for fairy shrimp. (WOOD-A, p. 12.)

Therefore, due to a lack of suitable habitat, additional focused surveys and/or mitigation measures are not required for riparian/riverine species. (WOOD-A, p. 12.)

Birds

The Project site contains suitable nesting habitat for nesting birds protected under the migratory Bird Treaty Act (MBTA) and MSHCP. There are two ornamental trees present within the northeast corner of the site: a Chinaberry (*Melia azedarach*) and scarlet firethorn (*Pyracantha coccinea*), as well as a pomegranate (*Punica granatum*) on the east boundary of the Project site. These trees provide potentially suitable nesting habitat fora variety of species covered under the MBTA. Additionally, the Project site also contains suitable nesting habitat for ground nesting birds protected under the MBTA, such as killdeer (*Charadrius vociferous*) and horned lark (*Eremophila alpestris*). Impacts to nesting birds, both direct and indirect, can be minimized and/or eliminated by conducting work activities outside of the breeding season. (WOOD-A, p. 30)

One special status species, a migrating yellow warbler (*Setophaga petechia*) was observed on-site during the focused burrowing owl surveys. Nesting yellow warblers are designated by the California Department of Fish and Wildlife (CDFW) as a Species of Special Concern (SSC). However, yellow warblers nest in riparian habitats, which are not present on the Project site. For these reasons, impacts to yellow warbler are not anticipated to occur as a result of project implementation.

If ground disturbance and/or construction activities must occur during nesting bird season (typically February 1 through August 31) a preconstruction clearance survey will be required as set forth in mitigation measure **MM BIO-1**. With implementation of mitigation measure **MM BIO-1**, impacts with regard to nesting birds will be reduced to less than significant.

Additional Surveys

The Project site does not lie within an MSHCP Criteria Area Species Survey Area (CASSA). The reconnaissance survey confirmed the site does not support any suitable soils for any of the CASSA plants and no additional focused surveys are required for criteria area plant species. (WOOD-A, p. 21.) Further, the Project site is not within an MSHCP sensitive amphibian survey area. The reconnaissance survey confirmed there is no suitable habitat (i.e. ponds, marshes, rivers, streams, and or irrigation ditches with aquatic vegetation) present for amphibian species. Therefore, no additional focused surveys are required for amphibian species. (WOOD-A, p. 22.)

Burrowing Owl

The Project site is located within the Western Riverside MSHCP burrowing owl survey area, which requires a pre-construction MSHCP protocol survey for burrowing owl. The burrowing owl (BUOW) is considered a CDFW SSC). During the November 2019 site visit, a habitat assessment was conducted in accordance with Western Riverside MSHCP Burrowing Owl Survey Instructions and published by the Riverside Conservation Authority. Moderate suitable quality habitat was found (low-growing, non-native grassland field with small mammal burrows and remnant concrete foundation) on the Project site, therefore, focused burrowing owl surveys are required to be conducted during the breeding season, which is typically in the spring and summer from March – early September depending on weather conditions.

A burrow search was conducted on the Project on March 6, 2020. After completion of the burrow search and mapping the location of the burrows on and adjacent to the Project site, four focused surveys were conducted from April 2 through May 7, 2020 as shown below in **Table E – Focused Burrowing Owl Survey Results.** Pedestrian survey transects were spaced approximately 60 feet apart across 100% of the Project site. (WOOD-B, p. 7.) Binoculars were used to visually inspect potential perching locations (i.e., rocks, debris, dirt mounds) as well as the entrances to all on-site mammal burrows and debris providing potential shelter (i.e., piles of concrete slabs, cement drainpipes). Mammal burrows were carefully examined for evidence of burrowing owl occupation (i.e., animal dung, feathers, whitewash, pellets, debris, etc.). (WOOD-B, p. 7.)

Table E – Focused Burrowing Owl Survey Results

Survey	Date	Conditions	Results
Burrow Search	March 6, 2020	Partly cloudy (10% cloud cover), winds ~ 0–3 mph	No owls on Project site.
1	April 2, 2020	Overcast (100% cloud cover), winds approximately 1–4 mph	No owls on Project site.
2	April 23, 2020	Clear (0% cloud cover), winds approximately 1–5 mph	No owls on Project site.
3	April 29, 2020	Clear (0% cloud cover), winds approximately 2–4 mph	No owls on Project site.
4	May 7, 2020	Clear-Partly cloudy (0-20% cloud cover), winds approximately 0–2 mph	No owls on Project site.

Source: Table 1 Survey Data of WOOD-B, p. 7.

The results of the BUOW focused surveys indicate that although California ground squirrel burrows suitable for burrowing owls were detected and mapped on the Project site and within the adjacent buffer zone areas during the burrow search, no burrowing owls, or evidence thereof, were observed on the Project site or within the adjacent 500-foot buffer zone area during the focused surveys. (WOOD-B, p. 8.)

Due to the potential for burrowing owls to occur on the site at any time in the future, it is a requirement of the MSHCP that a 30-day pre-construction clearance survey be conducted immediately prior to commencement of construction activities to ensure no owls have migrated onto the site to prevent impacts to any burrowing owls. Implementation of mitigation measure **MM BIO-2** will reduce impacts to burrowing owls to **less than significant**.

That no characteristic signs of BUOWs were found on the Project site, such as white-wash, feathers, tracks, or pellets (WOOD-A, p. 8). Implementation of mitigation measure **MM Bio 2** requiring a preconstruction survey prior to initiation of construction activities to ensure protection for this species. If burrowing owls are detected on-site during the pre-construction survey, the burrowing owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to approval of the Regional Conservation Authority (RCA), CDFW, and U.S. Fish and Wildlife Service.

The ornamental trees documented onsite represent potential habitat for nesting bird and raptor species. Potential direct/indirect impacts to regulated nesting birds or raptors will require compliance with the federal Migratory Bird Treaty Act (MBTA) (WOOD-A, p. 32). As such, Project will implement mitigation measure **MM Bio 2**, which requires compliance with the Migratory Bird Treaty Act and relevant sections of California Fish and Game Code (e.g., Sections 3503, 3503.4, 3544, 3505, et seq.), ensuring vegetation clearing takes place outside of the typical avian nesting season (i.e., February 1st – August 31st), to the maximum extent practical.

Thus, implementation of mitigation measures **MM BIO-1** and **MM BIO-2** will mitigate any potential direct or indirect impacts to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Therefore, impacts will be **less than significant with mitigation.**

> **MM BIO-1: Preconstruction Nesting Bird Survey.** To avoid impacts to nesting birds, ground disturbance activities and vegetation removal shall be completed outside avian breeding season (between September 1 and January 31) to the greatest extent feasible. If ground disturbance activities (including cleaning and grubbing) cannot be avoided during the nesting season a qualified biologist shall conduct a nesting bird survey no more than one (1) week prior to any ground-disturbance or vegetation removal activities. The survey area shall consist of full coverage of the proposed Project footprint and up to a 300-foot buffer. The specific survey buffer shall be determined in the field by the project biologist and will take into account the species nesting in the area and access. If no active nests are found, no additional measures are required.
>
> If active nests are found, the nest locations shall be mapped by the qualified biologist utilizing Global Positioning System (GPS) equipment, where feasible. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging). The biologist shall establish a no-disturbance buffer around each active nest. The size of the buffer shall be determined by the qualified biologist based on the biology of the species present and surrounding habitat. No construction or ground-disturbance activities shall be conducted within the buffer until the biologist has determined through non-invasive methods that the nest is no longer active and has informed the construction supervisor that activities may resume.
>
> **MM BIO-2: Preconstruction Burrowing Owl Survey.** To avoid harming burrowing owls, a qualified biologist shall conduct a burrowing owl preconstruction survey no more than 30 days prior to the initiation of construction-related activities. The survey shall cover the entire Project site to ensure that burrowing owls do not occur within the grading footprint. If no occupied burrows are found, no additional measures are required. If an occupied burrow is found during the nesting season (February 1 to August 31), avoidance would be required unless it can conclusively be shown by a qualified biologist that an active nest is not present with the burrow.

Source: WOOD-A, WOOD-B

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

As previously discussed, according to the *MSHCP Consistency Analysis*, no riparian/riverine areas or vernal pools were documented on the Project site or the immediate vicinity and vegetation is primarily non-native grassland. (WOOD-A, p. 14.) Accordingly, no additional focused surveys and/or mitigation measures are required. Thus, the Project will not have a substantial effect on riparian habitat or other sensitive natural communities. **No impacts** are anticipated.

Source: WOOD-A

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

According to the US Army Corps of Engineers (USACE) Wetlands Delineation Manual, Technical Report, three criteria must be satisfied to classify an area as a jurisdictional wetland: 1) A predominance of plant life that is adapted to life in wet conditions (hydrophytic vegetation); 2) Soils that saturate, flood, or pond long enough during the growing season to develop anaerobic conditions in the upper part (hydric soils); and 3) Permanent or periodic inundation or soils saturation, at least seasonally (wetland hydrology). Further, wetland vegetation is characterized by vegetation in which more than 50 percent of the composition of dominant plant species are obligate wetland, facultative wetland, and/or facultative species that occur in wetlands. The Project site does not have any evidence for riparian/riverine areas and/or jurisdictional water features (WOOD-A, p. 32). Thus, a jurisdictional delineation is not required and impacts to wetlands are **less than significant.**

Source: WOOD-A

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Project site was assessed to determine if a wildlife corridor occurs on or within a portion of the Project site. The Project site does not lie within any designated MSHCP core linkages or proposed linkages; the closest Core Linkage is over 10 miles northeast of the Project site. (WOOD-A, p. 31.) The Project site is not connected to any large blocks of undisturbed lands that may be used as a wildlife corridor. Thus, the Project is not anticipated to interfere with the movement of any native resident or migratory fish or wildlife species. Therefore, **no impacts** are anticipated.

Source: WOOD-A

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

There are no large trees located on the Project site, thus this Project does not require removal of any trees in excess of 50 years of age and is not subject to the City of Banning Municipal Code (BMC) Section 17.32.060 which requires preparation of a tree removal and replacement plan, unless removal is required to protect the public health and safety. The proposed Project will be required to pay applicable MSHCP fees pursuant to Municipal Code Section 12.52.080. Through compliance with the MSHCP and this ordinance, development

within the Project area will not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts will be **less than significant**.

Source: BMC

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Project site does not lie within and is not adjacent to any MSHCP Conservation Areas. (WOOD-A, Executive Summary.) Therefore, no Habitat Evaluation and Acquisition Negotiation Strategy (HANS) or Joint Project Review (JPR) are required. The nearest proposed Core Linkage is approximately 10 miles northeast of the Project site. Thus, the Project will not require design features to minimize potential impacts associated with the Urban/Wildlands interface. (WOOD-A, p. 31.) The Project site does not support any MSHCP Section 6.1.2 riparian/riverine areas or vernal pools. (WOOD-A, p. 12.) Pursuant to MSHCP Section 6.3.2 and mitigation measure **MM BIO-2**, burrowing owl surveys will be conducted prior to any ground disturbing activities at the Project site. As discussed in *Response IV.a*, above, the Project site is located within the MSHCP designated NEPSSA for Yucaipa Onion (*Allium marvinii*) and many stemmed dudleya (*Dudleya multicaulis*); however, these species have not been recorded within a ten-mile radius. (WOOD-A, p. 15.) The MSHCP Conservation Summary Generator indicates that the project area does not require Critical Area Plant Species, Sensitive Mammals Surveys or Sensitive Amphibian survey. (WOOD-A, Exec Summary, p. 25.) Therefore, impacts will be **less than significant with mitigation**.

Source: WOOD-A

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
V. Cultural Resources Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Cultural Resource Discussion:

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

A *Phase I Cultural Resource Assessment* (AE) dated January 2020 was prepared by Applied Earthworks (AE) for this Project and included in Appendix C. As part of this assessment, a cultural resource literature and records search was conducted at the Eastern Information Center (EIC) at the University of California, Riverside, and an intensive pedestrian surface survey of the Project site was conducted. The records search indicated 15 previous cultural resource investigations have been conducted within the Project site and a one-mile wide buffer (the Study Area). As a result of these previous investigations, 158 cultural resources have been identified within the Study Area. The vast majority (138) of these resources are built environment resources that consist of historical residential structures, commercial buildings, churches, school buildings, hotels, public buildings, substation, transmission line, road, and rail line. The remaining 20 resources are archaeological resources that date to the prehistoric period. These resources are: two prehistoric archaeological sites, 13 historical archaeological sites, two isolated prehistoric artifacts, and three isolated historical artifacts. The prehistoric archaeological sites are bedrock milling features. The historical archaeological sites are surface refuse scatters, foundations, and other remnants of historical residences. The isolated finds are a prehistoric olla, a metate, two historical glass bottles, and a scatter of amethyst glass. (AE, pp. 20-21.)

One of these built environment resources, (CA-RIV-8229H) is on the Project site. This resource was previously documented in 2007 as the remnants of a pre-1949 residence that included a foundation pad, water conveyance system, fence posts, and historical trach scatter. The structure was visible on a United States Geological Survey (USGS) 1943 Banning Map. However, by 1998, the structure no longer appeared on the USGS Banning Map. At the time of the 2007 recording, the site was described as "disturbed by discing and dumping of modern debris." (AE-A, pp. 21, 33.) During the pedestrian survey, CA-RIV-8229H was identified at the Project site. However, only the concrete pad and associated refuse scatter ware present. (AE, p. 29.) This resource was further evaluated and determined that the remnants of the site cannot communicate association with regional residential growth during the early twentieth century in Banning, and it is not a historical significant resources; it is not associated with the lives of any person(s) significant in our past at the national, state, or local level; the remnants of the concrete slab and the site lacks any distinct architectural, technological, or engineering qualities that set it apart as a type or work of a master; and has no archeological importance pertaining to historical growth and settlement in the region. Thus, this resource does not qualify as a significant historical resource under California Register of Historical Resources (CRHR) and due to lack of significance, the site is recommended ineligible for inclusion in the CRHR. (AE, pp. 35-36.)

In addition to the EIC research, AE also consulted the 1901 San Jacinto 30-minute USGS topographic quadrangle map, the 1943 and 1956 Banning 15-minute USGS topographic quadrangle maps, and the 1953,

1979, 1988, 1996 Beaumont 7.5-minute USGS topographic quadrangle maps (USGS 1901, 1943, 1953, 1956, 1979, 1988, 1996) to assess historical land uses within the Study Area. A single building on the northwest corner of the Project site is present on the 1943 Banning 15-minute USGS topographic quadrangle map and on all subsequent maps, but it appears to be demolished prior to 1996, according to Google Earth Images. A modern housing tract immediately south of the Project area is present on the 1979 Beaumont 7.5-minute USGS topographic map and is still present today. No other buildings, structures, or features of interest are shown within Project area on any of the historical maps. (AE, pp. 26.)

In conclusion, only one built environment resource was found on the Project site and this resource was found in a worse condition than it was originally reported. This resource was evaluated against CRHR significance criteria and found ineligible for listing. No additional cultural resources were encountered within the Project site. Therefore, impacts will be **less than significant.**

Source: AE

b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?

Archaeological Resources

As discussed in *Response V.a*, AE conducted a *Phase I Cultural Resource Assessment* (AE) dated January 2020 for this Project and is included in Appendix C. AE found that two prehistoric cultural resources documented within the Study Area, but not at the Project site. The ground surface throughout the entire Project area has been disturbed by plowing, tilling and modern dumping. Geological data indicate undisturbed sediments within the Project area are characterized by alluvial deposits with a high potential for buried archaeological sites. However, no Ab (buried) horizon is described for the soil series within the Project site. Additionally, one of the previous investigations that involved the Project site conducted a sensitivity assessment for archaeological resources. This assessment concluded the Project site is within an area of low archaeological sensitivity. Therefore, intact and significant buried archaeological deposits are unlikely, and no further cultural resource management of the Project area is recommended. (AE, p. 37.) Nonetheless, in the event potentially significant archaeological materials are encountered during construction, mitigation measure **MM CR-1**, which requires work to be halted in the vicinity of the discovery until a qualified archaeologist can visit the site of discovery and assess the significance and integrity of the find, will be implemented. (AE, p. 37). Therefore, impacts to archaeological resources will be **less than significant with mitigation**.

Tribal Resources

AE contacted the Native American Heritage Commission (NAHC) on November 11, 2019, for a review of the Sacred Lands File (SLF) to determine if any known Native American cultural properties (e.g., traditional use or gathering areas, places of religious or sacred activity) are present within or adjacent to the Project site. The NAHC responded on November 13, 2019, stating the SLF search was completed with negative results. The NAHC provided a list of Native American individuals and organizations for follow-up to elicit information and/or concerns regarding cultural resource issues related to the Project, if any. (AE-A, p. 27.) Tribal outreach was conducted by the City of Banning through AB52 consultation, which is discussed in the Section XVIII – Tribal Cultural Resources of this Initial Study/Mitigated Negative Declaration (IS/MND).

> **MM CR-1: Inadvertent Discovery.** In the event cultural resources are discovered during Project construction, all ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a qualified archaeologist can visit the site of discovery, assess the significance and integrity of the find, and determine the appropriate treatment (documentation, recovery, avoidance, etc.) and disposition of the cultural resource. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. Work on the other portions of the

Project outside of the buffered area may continue. Any such discoveries and subsequent evaluation and treatment, shall be documented and submitted to the EIC for archival purposes.

Source: AE-A.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The proposed Project site is not located on any known cemetery. However, if human remains are encountered during Project construction, in a location other than a dedicated cemetery, the steps and procedures specified in the California Health and Safety Code §7050.5 (HSC 7050.5), State CEQA Guidelines 15064.5(d), and California Public Resource Code §5097.98 (PRC 5097.98), in accordance with PRC 5097.98, must be implemented. In accordance with PRC 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner must then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she must contact the NAHC by phone within 24 hours, in accordance with PRC 5097.98. The NAHC then designates a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD will then have the opportunity to recommend to the Project proponent means for treating or disposing of, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Therefore, impacts will be **less than significant**.

Source: HSC 7050.5; PRC 5097.98

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VI. Energy Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Energy Discussion:

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The analysis in this section addresses each of the six potential energy impacts identified in Appendix F of the CEQA Guidelines and utilizes the assumptions from the CalEEMod evaluated in the Air Quality and Greenhouse Gas Emissions sections of this Initial Study (IS), respectively. Because the CalEEMod program does not display the amount and fuel type for construction-related sources, additional calculations were conducted (WEBB-B) and are summarized below. These calculations are contained in Appendix D of this Initial Study.

Appendix F of the *CEQA Guidelines* provides for assessing potential impacts that a project could have on energy supplies, focusing on the goal of conserving energy by ensuring that projects use energy wisely and efficiently. Pursuant to impact possibilities listed in *CEQA Guidelines* Appendix F, an impact with regard to energy consumption and conservation will occur if implementation of the proposed Project will:

Result in the wasteful, inefficient, or unnecessary consumption of energy. Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal;
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity;
3. The effects of the project on peak and base period demands for electricity and other forms of energy;
4. The degree to which the project complies with existing energy standards;
5. The effects of the project on energy resources;
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

The analysis below addresses each of the six potential energy impacts identified in Appendix F of the CEQA Guidelines.

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal.

Construction

Project construction would require the use of construction equipment for grading, building construction, and paving activities, as well as construction workers and vendors traveling to and from the Project site. Construction equipment requires diesel as the fuel source (see **Table F – Construction Energy Use**).

Fuel consumption from on-site heavy-duty construction equipment was calculated based on the equipment mix and usage factors provided in the CalEEMod construction output files as part of the Air Quality and Greenhouse Gas Analysis (WEBB-A) in Appendix A of this IS. The total horsepower was then multiplied by fuel usage estimates per horsepower-hour included in Table A9-3-E of the SCAQMD CEQA Air Quality Handbook. (SCAQMD-B.) Fuel consumption from construction worker and vendor/delivery trucks was calculated using the trip rates and distances provided in the CalEEMod construction output files. Total vehicle miles traveled (VMT) was then calculated for each type of construction-related trip and divided by the corresponding county-specific miles per gallon factor using California Air Resources Board's (CARB-C) EMFAC 2017 model. EMFAC provides the total annual VMT and fuel consumed for each vehicle type. Consistent with CalEEMod, construction worker trips were assumed to include 50 percent light duty gasoline auto and 50 percent light duty gasoline trucks. Construction vendor trucks were assumed to be medium-duty and heavy-duty diesel trucks. Haul trucks were assumed to be heavy-duty diesel trucks. Please refer to Appendix D of the IS for detailed calculations.

As shown below in **Table F**, a total of 26,843 gallons of diesel fuel, and 4,936 gallons of gasoline, is estimated to be consumed during Project site construction.

Table F – Construction Energy Usage

Fuel	Fuel Consumption
Diesel	
On-Road Construction Trips[b]	4,194 Gallons
Off-Road Construction Equipment[c]	22,649 Gallons
Diesel Total	**26,843 Gallons**
Gasoline	
On-Road Construction Trips[b]	4,936 Gallons
Off-Road Construction Equipment[d]	-- Gallons
Gasoline Total	**4,936 Gallons**

Notes:

[a] Source: WEBB-B, Table 1 – Total Construction-Related Fuel Consumption, Appendix D of the IS.

[b] On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod for construction in 2020 and fleet-average fuel consumption in gallons per mile from EMFAC2017 web based data for Riverside County. See Table 2 for calculation details. See Table 2 – On Road Construction Trip Estimates, Appendix D of the IS for calculation details.

[c] Off-road mobile source fuel usage based on a fuel usage rate of 0.05 gallons of diesel per horsepower (HP)-hour, based on SCAQMD CEQA Air Quality Handbook, Table A9-3E.

[d] All emissions from off-road construction equipment were assumed to be diesel.

Fuel energy consumed during construction would be temporary in nature and would not represent a significant demand on energy resources. Construction equipment is also required to comply with regulations limiting idling to five minutes or less (CCR Title 13 § 2449(d)(3). Furthermore, there are no unusual Project site characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the State. For comparison, the State of California consumed 15.4 billion gallons of gasoline and 3.1 billion gallons of diesel fuel in 2019, which is the most recent published data.[2] Thus, the fuel usage during Project construction would account for a negligible percent of

[2] *California Energy Commission Fuel Data, Facts and Statistics* available at https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm

the existing gasoline and diesel fuel related energy consumption in the State of California. Furthermore, it is expected that construction-related fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Operation

The Project will promote building energy efficiency through compliance with energy efficiency standards (Title 24 and CALGreen). The Project also reduces vehicle fuel usage due to compliance with regulatory programs and Project design features that reduce VMT. AB 1493 ("the Pavley Standard") requires reduction in greenhouse gas (GHG) emissions from non-commercial passenger vehicles and light-duty trucks of model year 2009 and after. Executive Order S-01-07 went into effect in 2010 and requires a reduction in the carbon intensity of transportation fuels used in California by at least 10 percent by 2020. The Executive Order imposes fuel requirements on fuel that will be sold in California that will decrease GHG emissions by reducing the full fuel-cycle and the carbon intensity of the transportation fuel pool in California. The Advanced Clean Cars program, introduced in 2012, combines the control of smog, soot causing pollutants and greenhouse gas emissions into a single coordinated package of requirements for model years 2017 through 2025.

For operational activities, annual electricity consumption was calculated using demand factors provided in the CalEEMod output as part of the greenhouse gas analysis included in Section VIII, Greenhouse Gas Emissions, of this IS. The Project site's electrical consumption was estimated to be approximately 3,003,801 kWh of electricity per year[3], this is the sum of the building electricity (3,000,060 kWh/year) and electricity related to the Project's water consumption (3,741 kWh/year). Additionally, the Project will not require natural gas usage.

In comparison to the Project, Banning Electric Utility (BEU) provides service to the City of Banning, including the Project site, as reported by the California Energy Commission (CEC), BEU consumed approximately 123 million kilowatt-hours (kWh) in 2018. (CEC-A.) Once operational, the Project site's electricity demand would be a negligible amount of the existing electricity demand.

Energy impacts associated with transportation during operation were also assessed using the traffic data contained in the greenhouse gas analysis included in Section VIII, Greenhouse Gas Emissions, of this IS. Based on the annual VMT, gasoline and diesel consumption rates were calculated using the Riverside County-specific miles per gallon in EMFAC2017. As shown below in **Table G – Annual Fuel Consumption**, a total of approximately 11,894 gallons of gasoline fuel and approximately 4,575 gallons of diesel fuel is estimated to be consumed each year. As stated above, the State of California consumed approximately 15.4 billion gallons of gasoline and 3.1 billion gallons of diesel fuel in 2019. Thus, the annual fuel usage during Project operation would account for a negligible percent of the existing gasoline and diesel fuel related energy consumption in California.

[3] Per Table 3 – Annual Energy Consumption from Operation, Appendix D of the IS.

Table G – Annual Fuel Consumption

Fuel Type[a]	Fuel Consumption (gallons/year)
Gasoline	11,894
Diesel	4,575

Notes:
Source: WEBB-B, Table 3 - Annual Energy Consumption from Operation, Appendix D of the IS.
[a] Mobile source fuel use based on annual vehicle miles traveled (VMT) from CalEEMod output (WEBB-A) for operational year 2021 and fleet-average fuel consumption in gallons per mile from EMFAC2017 data in Riverside County.

Regulations previously identified related to energy conservation and fuel efficiency include, but are not limited to, Title 24 requirements for windows, roof systems, and electrical systems, and Pavley standards and Advanced Clean Cars Program.

Collectively, compliance with regulatory programs would ensure that the Project's construction and operation would not result in the inefficient, unnecessary, or wasteful consumption of energy. Therefore, impacts to energy resources during construction or operation will be less than significant. No mitigation measures are required.

2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.

As addressed above, the Project's anticipated electricity consumption is minimal in comparison to BEU's supply. The Project will comply with applicable state, local, and City GP goals and policies that require energy conservation within the Project site. As discussed above, BEU's total electricity consumption was approximately 123 million kilowatt-hours (kWh) in 2018. The Project demand would be a negligible amount of BEU's existing electricity use, Additionally, although the Project proposes solar panels to offset some of this consumption, these reductions were not quantified to provide a more conservative analysis. As such, there will be adequate capacity to serve the proposed Project. The Project would therefore not have a significant effect on local and regional energy supplies.

3. The effects of the project on peak and base period demands for electricity and other forms of energy.

As described above, BEU produced approximately 123 Million kilowatt-hours (kWh) in 2018, and the Project is expected to have a negligible impact to BEU'S total electricity usage.

The Project will meet Title 24 regulatory standards for windows, roof systems, and electrical systems. The Project will install efficient lighting and lighting control systems. Solar or light-emitting diodes (LEDs) will be installed for outdoor lighting. Lighting will incorporate motion sensors that turn them off when not in use. Trees and landscaping will be used to reduce energy use. With regards to peak hour demands, purveyors of energy resources, including Banning Electric Utility, have established long standing energy conservation programs to encourage consumers to adopt energy conservation habits and reduce energy consumption during peak demand periods. The proposed Project supports these efforts through implementation of solar panels that will not only reduce energy consumption during peak hour demands, but also during the base period. To this end, the Project will not substantially affect peak and base period demands for electricity.

4. The degree to which the project complies with existing energy standards.

The proposed Project would be required to comply with City, state and federal energy conservation measures related to construction and operations. Although many of the regulations regarding energy efficiency are focused on increasing building efficiency and renewable energy generation, promoting sustainability through energy conservation measures, as well as reducing water consumption, this Project will comply with applicable regulations. As such, the construction and operation activities of the Project will meet and/or exceed these regulatory requirements.

The California Energy Code building energy efficiency standards include provisions applicable to all buildings, residential and non-residential, which are mandatory requirements for efficiency and design. The proposed Project will comply with Title 24. This would be accomplished through, among other things, implementation of efficient lighting and lighting control systems, and installation of barriers between conditioned and unconditioned spaces. The Project would comply fully with existing energy standards.

In addition, the Project will be consistent with applicable goals and polices within the GP. Through implementation of energy conservation measures and sustainable practices, the Project will not use large amounts of energy in a manner that is wasteful or otherwise inconsistent with adopted plans or policies.

5. The effects of the project on energy resources.

The effects of the Project on energy supplies and resources from a capacity standpoint are described above in the preceding analysis. In regard to the effects of the Project on energy resources, the Project is required to ensure that the Project does not result in the inefficient, unnecessary, or wasteful consumption of energy. Notable regulatory measures that are discussed above include compliance with California Title 24 and CalGreen Standards, Renewable Portfolio Standards (RPS), Pavley standards and the Advanced Clean Cars Program.

6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As stated above, energy impacts associated with transportation during construction and operation of the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy through adherence to existing regulations and GP policies. Regarding efficient transportation alternatives, the Project accommodates alternative transit choices because the Project area is served by the Pass Transit.[4] The nearest bus stop is approximately 0.3 miles north of the Project site on Ramsey Street. No mitigation measures are required.

For all the reasons stated above, construction and operation of the proposed Project will not result in the wasteful, inefficient, or unnecessary consumption of energy. Therefore, impacts will be **less than significant**.

Source: GP, PD, WEBB-A, WEBB-B, CARB-C, CEC-A, SCAQMD-B, CCR, Title 24

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed Project would be required to comply with City, state and federal energy conservation measures related to construction and operations, as noted above. As discussed in *Response VI.a*, above, many of the regulations regarding energy efficiency are focused on increasing building efficiency and renewable energy generation, promoting sustainability through energy conservation measures, as well as reducing water consumption and VMT and increasing use of alternative fuels. The California Energy Code building energy

[4] http://www.banning.ca.us/DocumentCenter/View/6475/Route--5

efficiency standards include provisions applicable to all buildings, residential and non-residential, which are mandatory requirements for efficiency and design. The proposed Project will comply with these standards, such as Title 24.

Therefore, impacts to obstructing a state or local plan for renewable energy or energy efficiency during construction or operation will be **less than significant**.

Source: WEBB-A

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VII. Geology and Soils Would the project				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☒	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Geology and Soils Discussion:

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The Banning area is located at the boundary, formed by the San Andreas Fault, between the North American and Pacific plates crosses the Banning GP planning area. (GP, p. V-10.) The closest fault to the Project site is located along the San Andreas Fault Zone approximately 1.3 miles to the north of the Project site. (RCLIS.) There are no other faults within or immediately adjacent to the Project site that could rupture during an earthquake. (GP, Exhibit V-3; GP DEIR, Exhibit III-13.) As previously discussed, the proposed Project includes construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution. None of the proposed facilities are anticipated to expose a large number of people or structures to substantial seismic risk from a known earthquake fault, as it is there will be approximately six employees on site for each shift. Additionally, the building will be constructed in accordance with the provisions of the City of Banning Building Code. As such, implementation of the proposed Project will not

contribute to the rupture of a known earthquake fault or exacerbate the risk of loss, injury, or death. Therefore, impacts will be **less than significant**.

Source: GP; GP DEIR; RCLIS

ii) Strong seismic ground shaking?

Given its physical and geologic location, the Banning area is susceptible to potential intense seismic ground shaking that could affect the safety and welfare of the general community. The effects of ground motion on structures are difficult to predict, and depend on the intensity of the quake, the distance from the epicenter to the site, the composition of soils and bedrock, building design, and other physical criteria. (GP DEIR, p. III-74.) Based on these factors, ground shaking may cause no, little, or major structural damage or destruction; however, in general, peak ground accelerations and seismic intensity values decrease with increasing distance from the causative fault. The proposed Project includes construction and operation of a 21,000 SF warehouse. Further, the Project will be required to adhere to all applicable federal and state codes and regulations and be designed in compliance with the Uniform Building Code and California Building Code. Therefore, impacts will be **less than significant.**

Source: GP DEIR

iii) Seismic-related ground failure, including liquefaction?

Liquefaction commonly occurs in loose, saturated, sandy sediments that are subject to ground vibrations greater than 0.2 g (peak ground acceleration). When liquefaction occurs, the sediments behave like a liquid or semi-viscous substance and can result in structural distress or failure due to ground settlement, a loss of load-bearing capacity in foundation soils, and the buoyant rise of buried structures. (GP, p. V-17.)

According to the United States Department of Agriculture (USDA) Web Soil Survey, the site is mapped as predominately Hanford coarse sandy loam (HcC), with 2% to 8% slopes as well as having Greenfield sandy loam (GyC2), with 2% to 8% slopes. HcC and GyC2soils consist of coarse sandy loam over find sandy loam and are well drained, with the water table depth to be greater than 80 inches. According to the City's GP, the Project site is located in an area with low liquefaction susceptibility. (GP, Exhibit V-4; GP DEIR, Exhibit III-14.) Therefore, impacts will be **less than significant.**

Source: GP; GP DEIR; USDA

iv) Landslides?

Landslides have become significant hazards as development within the City reaches higher elevations on the hill slopes. Rock falls, rockslides, and to a lesser degree, large landslides are likely to occur in areas of high relief, such as along steep canyon walls in the southern Banning Bench area, and along the portions of the natural slopes facing the southern edge of the City. (GP, p. V-6.) There are several factors that contribute to slope failure, including slope height, slope steepness, shear strength and orientation of weak layers in the underlying geologic units, as well as poor water pressure. The proposed Project site is not located adjacent to any areas with low, moderate, or high risk of seismically induced settlement and slope instability and no known landslides have occurred in the Project vicinity (GP, Exhibit V-2; GP DEIR, Exhibit III-15.) Surrounding topography is relatively flat. Further, the Project will be required to adhere to all applicable federal and state codes and regulations and be designed in compliance with the Uniform Building Code and California Building Code. Therefore, impacts will be **less than significant.**

Source: GP; GP DEIR

b) Would the project result in substantial soil erosion or the loss of topsoil?

The proposed Project site is relatively flat. The Project's construction will be required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Construction Permit issued by the State Water Resources Control Board (SWRCB) for construction projects and prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will incorporate applicable Best Management Practices (BMPs) to reduce loss of topsoil or substantial erosion. The norther portion of the Project site includes landscaping to reduce soil erosion after construction is complete. As such, implementation of the proposed Project would not result in substantial soil erosion or the loss of topsoil. Therefore, impacts will be **less than significant**.

Source: Project Description. SWRCB

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Impacts related to landslides are addressed in *Response VIa.iv*, above; impacts related to liquefaction are addressed in *Response VIa.iii*, above. The following analysis addresses impacts related to unstable soils, as a result of lateral spreading, subsidence, or collapse. Lateral spreading refers to the lateral movement of gently to steeply sloping saturated soil deposits caused by earthquake-induced liquefaction.

Subsidence in the Banning area is closely associated with groundwater levels and the most populated part of the City occurs in an area with geologic conditions vulnerable to ground subsidence. In particular, the alluvial sediments within the groundwater basins from which the City's water is withdrawn are subject to subsidence if rapid groundwater extraction occurs in response to increased water demands as a result of population growth or prolonged drought. (GP DEIR, p. III-69.) Structures sensitive to slight changes in elevation, such as canals, sewers and drainage improvements are generally sensitive to the effects of subsidence and may be damaged if subsidence occurs. Data from the California Department of Water Resources Water Data Library estimated the shallowest groundwater at that location is approximately 513 to 570 feet below ground surface.

A substantial portion of the City's valley and canyon areas are underlain by potentially compressible and/or collapsible soils consisting of young sediments with low density that will settle under the added weight of fill embankments or buildings. (GP DEIR, p. III-81.) Implementation of the proposed Project would include improvements on a currently vacant site. Implementation of the Project will not contribute to or expose people or structures to substantial adverse effects associated with on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts would be **less than significant**.

Source: GP DEIR

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils are those that contain significant amount of clay particles that have a high shrink (dry) and swell (wet) potential. The upward pressures induced by the swelling of expansive soils under moist condition can have harmful effect upon structures. In the City, expansive soils are primarily associated with areas underlain by older fan deposits containing argillic (clay-rich) soil profiles, which are in the moderately expansive range. Since the low-lying areas of the City are underlain by alluvial fan sediments that are composed primarily of granular soils, the expansion potential ranges from very low to moderately low. (GP DEIR, p. III-69.) The USDA soils map survey shows that the geologic material consisted of Hanford coarse sandy

loam (HcC), with 2% to 8% slopes as well as having Greenfield sandy loam (GyC2), with 2% to 8% slopes. These are granular soils. Therefore, impacts will be **less than significant.**

Source: GP DEIR; USDA

e) Would the project 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 waste water?

The proposed Project does not include septic tanks. The Project proposes monitoring of the water quality of and pretreatment of cannabis wastewater prior to discharge into the sanitary sewer system. For these reasons, impacts will be **less than significant**.

Source: Project Description

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Guidelines developed by the County of Riverside determine the likelihood of the presence of paleontological resources at a given site. Following the County's established process, baseline information is used to assign the paleontological sensitivity of a geologic unit(s) (or members thereof) to one of four categories—Low, Undetermined, High A (Ha), and High B (Hb) potential. Geologic units are "sensitive" for paleontological resources and have a High paleontological resource potential if they are known to contain significant fossils anywhere in their extent, even if outside the Project site. High A (Ha) sensitivity is based on the occurrence of fossils that may be present at the ground surface of the Project site, while High B (Hb) sensitivity is based on the occurrence of fossils at or below 4 feet of depth, which may be impacted during construction activities. The Project site is mapped as Low. (DEIR 521, Figure 4.9.3.)

Given that the Project may include excavations to a maximum depth of 3 feet below the ground surface; it is not expected that paleontological resources will be encountered. .) Nonetheless, in the event potentially significant paleontological are encountered during construction, mitigation measure **MM GEO-1**, which requires work to be halted in the vicinity of the discovery until a qualified paleontologist can visit the site of discovery and assess the significance and integrity of the find, will be implemented. Therefore, impacts to unique paleontological resources are **less than significant with mitigation incorporated**.

> **MM GEO-1: Inadvertent Paleontological Discovery**. Should any paleontological resource(s) be accidentally discovered during construction, construction activities shall be moved to other parts of the construction site and a qualified paleontologist shall be retained to determine the significance of the resource(s). If the find is determined to be a unique paleontological resource, as defined in Section 15064.5 of the State *CEQA Guidelines*, then a mitigation program shall be developed in accordance with the provisions of CEQA as well as the guidelines of the Society of Vertebrate Paleontology (2010).
>
> The paleontologist (or designee(s)) shall wash any collected samples of sediments to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated at a repository with permanent retrievable storage to allow further research in the future (e.g., Western Science Center, Raymond Alf Museum, or the Natural History Museum of Los Angeles County). The cost of curation is assessed by the repository and is the responsibility of the landowner. If specimens are found, the qualified paleontologist shall prepare a report of findings, including an itemized inventory of recovered specimens, upon completion of all Project fieldwork. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Banning, shall signify completion of

the program to mitigate impacts paleontological resources. If the monitoring efforts produced fossils, then a copy of the report will also be submitted to the curation facility.

Source: .DEIR 521, RCLIS

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VIII. Greenhouse Gas Emissions Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Greenhouse Gas Emissions Discussion:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Unlike the criteria pollutants, GHG do not have adopted significance thresholds associated with them at this time. Several agencies, at various levels, have proposed draft GHG significance thresholds for use in CEQA documents. SCAQMD has been working on GHG thresholds for development projects. In December 2008, the SCAQMD adopted a threshold of 10,000 metric tons per year of carbon dioxide equivalents ($MTCO_2E$/yr) for stationary source projects where SCAQMD is the lead agency. The most recent draft proposal was in September 2010 and included significance thresholds for residential, commercial, and mixed-use projects at 3,500, 1,400, and 3,000 $MTCO_2E$/yr, respectively. Alternatively, a lead agency has the option to use 3,000 $MTCO_2E$/yr as a threshold for all non-industrial projects. Although both options are recommended by SCAQMD, a lead agency is advised to use only one option and to use it consistently. The SCAQMD significance thresholds also evaluate construction emissions by amortizing them over an expected project life of 30 years.

The GHG analysis prepared by WEBB (WEBB-A) using the CalEEMod software estimated GHG emissions from Project-related construction, carbon sequestration from tree planting, area sources, energy, mobile sources, solid waste and water-related energy usage. The CalEEMod model was used to estimate GHG emissions from both construction and operation and presents the output results for carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and CO_2E. CO_2E is the sum of CO_2 emissions estimated, plus the sum of CH_4 and N_2O emissions estimated, multiplied by their respective global warming potential (GWP). The GWP concept compares the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP of individual GHGs is determined through a comparison with the GWP of CO_2. CO_2 has a GWP of one; CH_4 has a GWP of 28, meaning that on a molecule-by-molecule basis, CH_4 has 28 times the global warming potential of CO_2.

Each source of GHG emissions is described in greater detail below, followed by tables summarizing the results provided in Appendix A.

Construction

Short-term fuel usage by construction equipment and construction-related activities, such as construction worker trips, for the Project was estimated. Evaluation of **Table H – Construction Equipment GHG Emissions**, below indicates that an estimated 337.04 $MTCO_2E$ will occur from construction equipment over the course of the estimated construction period of 10 months. Since SCAQMD recommends that construction emissions be amortized for a project lifetime of 30 years, **Table H** also includes the amortized emissions. The amortized construction emissions are also included in the Project's total GHG emissions estimates in **Table H – Total Project-Related GHG Emissions**, below, to ensure that GHG reduction measures address construction GHG emissions as part of the operational reduction strategies.

Table H – Construction Equipment GHG Emissions

Year	Metric Tons per year (MT/yr)			
	Total CO_2	Total CH_4	Total N_2O	Total CO_2E
2020	227.04	0.04	0.00	227.94
2021	108.67	0.02	0.00	109.10
Total	335.71	0.06	0.00	337.04
Amortized				**11.23**

Source: WEBB-A, Table 6.

Note: CO_2 = Carbon dioxide; CH_4 = Methane; N_2O = Nitrous oxide; CO_2E = Carbon dioxide equivalent.

Vegetation Change

CalEEMod estimates the GHG emissions associated with the one-time change in vegetation resulting from development and the GHG emissions sequestered as a result of planting new trees on a project site. Planting trees as part of the Project will sequester CO_2 while they are actively growing. Approximately 43 trees from miscellaneous species are estimated to be planted as part of this Project based on the number of trees on the conceptual landscape plan (see **Figure 7**). As shown in WEBB-A, the estimated one-time sequestration of CO_2 from the planting of Project trees is 67.97 $MTCO_2E$. Assuming a Project life of 30 years, this equates to a net reduction of 1.01 $MTCO_2E$ annually. These results were included in the analysis of the Project's total operational emissions, in **Table I – Total Project-Related GHG Emissions.** (Table is on page 50.)

Area

Area sources include landscape equipment emissions, architectural coating, consumer products, and hearths (for residential uses). Landscape equipment servicing the Project site create CO_2 resulting from fuel combustion based on the Project's land uses. Consumer products consist of consumer use of solvents and personal care products and architectural coatings consist of an average building square footage to be repainted each year. Default values were used. The CalEEMod output (WEBB-A) shows that the GHG emissions from the Project's area source emissions are negligible and reported as zero.

Energy

CalEEMod estimates the GHG emissions associated with building electricity and natural gas usage (non-hearth) for each land use type. Electricity and natural gas used in buildings is typically generated at an off-site power plant which indirectly generates GHG emissions. The Project-specific energy usage values used in CalEEMod were provided by the Applicant; natural gas will not be used, and the Project is estimated to use 3,000,000 kilowatt-hours per year (kwh/yr). As stated above, the emissions have been adjusted to incorporate utility-specific information from the Banning Electric Utility. Although the Project proposes solar panels to offset some of this consumption, these reductions were not quantified to provide a more conservative analysis. **Table I** summarizes the energy-related GHG emissions estimates reported by CalEEMod for the Project.

Mobile

CalEEMod also estimates the annual GHG emissions from Project-related vehicle usage based on trip generation data contained in the Project-specific Trip Generation Memorandum (Appendix F). **Table I** summarizes the mobile source GHG emissions estimates reported by CalEEMod for the Project.

Solid Waste

The GHG emissions associated with the disposal of solid waste into landfills were calculated based on default data contained within the CalEEMod model for waste disposal rates, composition, and the characteristics of landfills throughout the state. A large percentage of this waste will be diverted from landfills by a variety of means, such as reducing the amount of waste generated, recycling, and/or composting. The remainder of the waste not diverted will be disposed of at a landfill. **Table I** summarizes the solid waste-related GHG emissions reported for the Project.

Water

Electricity is also indirectly used in water supply, treatment, and distribution, as well as wastewater treatment in Southern California and plays a large role in GHG production. There are three processes necessary to supply potable water to urban users (i.e., residential, commercial, and industrial): (1) supply and conveyance of the water from the source; (2) treatment of the water to potable standards; and (3) distribution of the water to individual users. After use, the wastewater is treated and either reused as reclaimed/recycled water or returned to the environment. CalEEMod calculates the GHG emissions from these processes based on default emissions factors and water/wastewater generation rates for a project's location. Project-specific water demand and default values were used, and the results are summarized in **Table I**.

As shown in **Table I – Total Project-Related GHG Emissions**, using all the emissions quantified above, the total GHG emissions generated from the Project is approximately 1,127.75 $MTCO_2E$/yr which includes construction-related emissions and carbon sequestration amortized over a typical project life of 30 years.

Table I – Total Project-Related GHG Emissions

Year	Metric Tons per year (MT/yr)			
	Total CO_2	Total CH_4	Total N_2O	Total CO_2E
Amortized Construction	--	--	--	11.23
Vegetation Change	--	--	--	-1.01
Energy	931.61	0.04	0.01	936.65
Mobile	166.12	0.01	0.00	166.31
Solid Waste	5.29	0.31	0.00	13.10
Water	1.23	0.01	0.00	1.47
Total	**1,104.25**	**0.37**	**0.01**	**1,127.75**

Source: WEBB-A, Table 8.

Since emissions generated by the proposed Project will not exceed the SCAQMD screening threshold level of 10,000 $MTCO_2E$/yr for industrial projects, the Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, impacts will be **less than significant**.

Source: WEBB-A

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As described in *Response VIII.a*, above, the proposed Project will not generate greenhouse emissions that may have a significant impact on the environment. Under Senate Bill 32 (SB 32), the State's emission inventory must be reduced to 40 percent below1990 levels by 2030. Most of the reductions required to reach SB 32's 2030 reduction target will be achieved by regulations that apply to both existing and new development, including the Renewable Portfolio Standard (RPS), Low Carbon Fuel Standards (LCFS), regulations and programs on high global warming potential (GWP) gases, , and the indirect influence of the Cap and Trade system on electricity and transportation fuel prices. The CARB 2017 Scoping Plan includes a regulatory strategy that will result in the State achieving the SB 32 target by 2030. (CARB-D.) As such, the Project is consistent with the emissions reduction targets outlined in SB 32 and the 2017 Scoping Plan. Thus, the proposed Project does not conflict with any regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, impacts will be **less than significant**.

Source: WEBB-A; CARB-D

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IX. Hazards and Hazardous Materials Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☒	☐	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Hazards and Hazardous Materials Discussion:

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction of the proposed Project may include the transportation and storage of hazardous materials, such as fuels for the construction equipment. The transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. The Project consists of construction and operation of a warehouse for cannabis cultivation and distribution. The associated construction of the road is not anticipated to create the need for a significant amount of hazardous materials being used on site for construction. The operation of the warehouse includes transporting cannabis waste offsite. Per BMC 17.53.130(B), all cannabis-related waste generated onsite that will be transported offsite shall be rendered unusable and unrecognizable.

Nonetheless, any amount of hazardous substances used during Project construction and operation will be subject to a number of federal and state agencies' strict regulations for the safe transportation of hazardous materials. Hazardous material transport, storage and response to upsets or accidents are primarily subject to federal regulation by the United States Department of Transportation (DOT) Office of Hazardous Materials Safety in accordance with Title 49 of the Code of Federal Regulations (CFR). California regulations applicable

to Hazardous material transport, storage and response to upsets or accidents are codified in Title 13 (Motor Vehicles), Title 8 (Cal/OSHA), Title 22 (Management of Hazardous Waste), Title 26 (Toxics) of the California Code of Regulations (CCR), Chapter 6.95 of the Health and Safety Code (Hazardous Materials Release Response Plans and Inventory) and BMC 17.53.130(A) (Chemical, Dangerous and Hazardous Waste).

Compliance with all applicable federal and state laws related to the transportation, use, storage and response to upsets or accidents that may involve hazardous materials would reduce the likelihood and severity of upsets and accidents during transit and storage. Therefore, impacts will be **less than significant**.

Source: CHSC; CCR; CFR; BMC

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As noted in *Response VIII.a*, above, the Project may involve the use of small amounts of hazardous materials but shall comply with all applicable federal and state laws and local municipal codes pertaining to the transport, use, disposal, handling, and storage of hazardous materials, including but not limited to Title 49 of the Code of Federal Regulations and Title 13, (motor vehicles) Title 8 (Cal/OSHA), Title 22 (Health and Safety Code), Title 26 (Toxics) of the California Code of Regulations, Chapter 6.95 of the Health and Safety Code (Hazardous Materials Release Response Plans and Inventory), and BMC 17.53.130(B) which describes strict regulations for the safe transportation of hazardous materials. Compliance with all applicable federal and state laws related to the transportation, use and storage of hazardous materials would reduce the likelihood and severity of accidents during transit, use and storage. Thus, the project is not expected to result in the use of large amounts of hazardous materials that would create a hazard to the public or environment. Therefore, impacts will be **less than significant**.

Source: CHSC; CCR; CFR

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no existing or proposed schools within one-quarter mile of the Project site. The nearest school is Banning High School located approximately one-half mile southeast of the Project Site. The Rancho San Gorgonio Specific Plan has identified a potential elementary school site approximately one-third mile south east of the Project site. (RSG SP.) Because there are no known existing or proposed school within one-quarter mile of the Project site, there will be **no impact.**

Source: DTSC, RSG SP

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Per a review of the California Department of Toxic Substances Control (DTSC) EnviroStor Database, the proposed Project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (Cortese List) There will be **no impacts.**

Source: DTSC

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The Banning Municipal Airport is located approximately two miles to the east of the Project site. Land use designations within the City have been arranged to accommodate for continued safe operation of the Banning Municipal Airport. (GP DEIR, p. III-62.)

Banning Municipal Airport Land Use Compatibility Plan
The Project is within Zine D of the Banning Municipal Airport Influence Area (AIA). Zone D restricts nonresidential intensity to 200 people per average acre and 800 people per single acre. The Project will only have 13 total employees, of which there will be approximately six employees on site during two shifts, plus one security guard. The Riverside County Airport Land Use Commission (ALUC) evaluated the party based on a maximum occupancy for the proposed 21,000 SF industrial warehouse building of 105 people, which results in an average acre intensity of 58 people per acre and single acre intensity of 218 people, both of which are consistent with the Zone D intensity criteria. (ALUC-B.)

The Project was reviewed by ALUC staff[5] to determine consistency with the 2004 BMA LUCP, as amended in 2016. The ALUC Director found the proposed project to be consistent with the BMA ALUCP subject to certain conditions. (ALUC-B.) These conditions are set forth in mitigation measure **MM HAZ-1**.

Federal Aviation Regulations, Part 77
The Federal Aviation Regulations (FAR), Part 77, Objects Affecting Navigable Airspace, establishes standards for determining obstructions to navigable airspace and the effects of such obstructions on the safe and efficient use of that airspace. The regulations require that the Federal Aviation Administration (FAA) be notified of proposed construction or alteration of objects (whether permanent, temporary, or of natural growth) using FAA Form 7460-1 if those objects would be of a height that exceeds FAR Part 77 criteria. Further, FAR Part 77 regulations define a variety of imaginary surfaces at certain altitudes around airports. Surfaces include the primary surface, approach surface, transitional surface, horizontal surface, and conical surface. Collectively, the surfaces around an airport define a bowl-shaped area with ramps sloping up from each runway end. FAR Part 77 standards are not absolute height restrictions, but instead identify elevations at which structures may present a potential safety problem. Penetrations of the FAR Part 77 surface generally are reviewed on a case-by-case basis.

The elevation of BMA Runway 8-26 at its westerly terminus is 2,212 feet above mean seal level (AMSL). At a distance of approximately 7,600 feet from this runway to the Project site, Federal Administration Obstruction Evaluation Services (FAA OES) review would be required for any structures with a top of roof exceeding 2,288 feet AMSL. The finished floor elevation for the proposed Project is 2,335 feet AMSL and the proposed building height is 24 feet, which results in a top point elevation of 2,359 feet AMSL, thus FAA OES review is required. FAA OES review is complete and a *Determination of No Hazard to Air Navigation* letter was issued by the FAA on March 17, 2020 subject to certain conditions. The FAA OES conditions are incorporated in mitigation measure **MM HAZ 1**. (ALUC-B.)

Noise
The Project site is outside of the BMA 55 DBA noise contour. (ALUC-A, Exhibit BN-5. Noise is further discussed in *Response XIII.c*.

[5] Staff review conducted under the general delegation set forth in Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan. A copy of the ALUC Director's determination letter for this Project is included in Appendix E.

For the reasons set forth above, impacts regarding airport safety hazards or excessive airport noise are **less than significant with mitigation**.

MM HAZ-1: BMA LUCP. For consistency with the BMA LUCP the following risk-reduction Project design features shall be incorporated into Project design:

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
    a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
    b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
    c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aqua culture, outdoor production of cereal grains, sunflower, and row crops, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, and construction and demolition debris facilities.)
    d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The notice included in Appendix E.2 of this IS shall be given to all prospective purchasers of the property and tenants of the building, and shall be recorded as a deed notice.
4. Any proposed detention basins of facilities shall be designed so as to provide for a maximum 48-hour detention period following the design storm, and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of continuous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees or shrubs that produce seed, fruits, or berries.

    Landscaping in the detention basin, if not rip-rap, shall be in accordance with the guidance provided in *ALUC Landscaping Near Airports* brochure (available at http://www.rcaluc.org/Portals/13/PDFGeneral/Resources/BROCHUREFINALEDALandscapeletter.pdf?ver=2018-12-28-084424-067) and the *Airports, Wildlife, and Stormwater Management* brochure (available at http://www.rcaluc.org/Portals/13/PDFGeneral/Resources/BROCHUREFINALEDAStormwaterletter.pdf?ver=2018-12-28-084354-193), which list acceptable plants from *Riverside County Landscaping Guide,* or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

    A notice sign, in a form similar to that included in Appendix E.3 shall be firmly affixed to the storm water basin with the following language: “There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes.” The sign will also include the name, telephone

number, or other contact information of the person or entity responsible for monitoring the stormwater basin.

5. This project has been evaluated as a 21,000 SF industrial manufacturing building for the purpose of a cannabis growth and distribution facility. Any increase in building area or change in use shall require an amended review by ALUC.
6. The FAA has conducted aeronautical studies of the proposed structure (Aeronautical Study No.2020-AWP-2134-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety is accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with *FAA Advisory Circular 70/7460-1 L Change 2* and shall be maintained in accordance therewith for the life of the Project.
7. The maximum height of the proposed structure to top point shall not exceed 24 feet above ground level, and the maximum elevation at the top of the structures shall not exceed 2,359 feet AMSL.
8. The specific coordinates, height, and top point elevation of the proposed structures shall not be amended without further review by ALUC and the FAA; provided, however, that reduction in structure height or elevation shall not require further review by ALUC.
9. Temporary construction equipment used during actual construction of the structures shall not exceed 24 feet in height and a maximum elevation of 2,359 feet AMSL, unless separate notice is provided to the FAA through the Form No. 7460-1 process.
10. Within five (5) days after construction of each structure reaches its greatest height, *FAA Form 7460-2 (Part 2), Notice of Actual Construction or Alteration*, shall be completed by the Project proponent or his/her designee and e-filed with the FAA. (Go to https://oeaaa.faa.gov for instructions.) This requirement is also applicable in the event the Project is abandoned or decision is made not to construct the applicable structure.

Source: ALUC-A, ALUC-B; GP DEIR; PD

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City adopted the Multi-Hazard Functional Planning Guidance document in 1996. The document is organized into three-parts, which include: 1) the Banning Emergency Plan; 2) twelve functional Annexes that describe the emergency response organization; and 3) a listing of operational data such as resources, key personnel, and essential facilities and contacts. (GP, p. VI-42.) The City's plan was used until Riverside County adopted their Emergency Operations Plan (EOP). The Riverside County Operational Area (OA) EOP, adopted in 2006, addresses the planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting Riverside County. (EOP, p. 1-1.) The proposed Project involves construction and operation of a warehouse for cannabis cultivation and distribution with a conditional use permit, which is consistent with the City's GP zoning and land use designation for the site; therefore, neither construction nor operation of the Project will significantly impact implementation of the County's EOP.

According to the City's GP, the City does not have established evacuation routes, although depending on the location and extent of emergency, major surface streets could be utilized to route traffic through the City (GP, p. VI-45.) The ultimate construction and subsequent operation of the warehouse will comply with the BMC

for ingress and egress. Thus, the Project would not interference with an adopted emergency response plan or emergency evacuation plan for the City. Therefore, impacts will be **less than significant**.

Source: EOP; GP

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The proposed Project is located north of the City's High Fire Hazard Zone, within which relief is minimal and hardscape (concrete, asphalt, and structures) and landscaping vegetation predominate. (GP, Exhibit V-10.) The Project consists of the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution. The City contracts with the Riverside County Fire Department for fire services; in turn, the County contracts with CAL FIRE. The City's Fire Marshal is authorized and directed to enforce the provisions of the Fire Code throughout the City. As part of these responsibilities, the Fire Marshal reviews plans for new construction and additions, coordinates with the City for disaster preparedness programs, and manages the City's weed abatement program. Thus, with Fire Marshal review and approval of ultimate plans for the Project, the Project will not result in exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts will be **less than significant**.

Source: CAL FIRE; GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;	☐	☒	☐	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Hydrology and Water Quality Discussion:

a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The Project site is currently vacant, sparsely vegetated, and generally flat. Currently, stormwater runoff sheet flows across the site toward the southeast. As detailed in the Project Hydrology Analysis Report and Water Quality Management Plan (WQMP) both located in Appendix D, stormwater runoff within the Project site will increase with development of the proposed Project and therefore the potential will increase for degradation of surface or groundwater quality.

Wastewater is not currently generated onsite. Wastewater will be generated onsite during facility operations that will contribute to the City's wastewater treatment plant (WWTP). The WWTP is permitted by a state Waste Discharge Requirement (WDR) to outlet treated effluent to groundwater via percolation ponds.

The Project site is tributary to Smith Creek and the Coachella Valley Groundwater Basin (Banning hydrologic subarea [HSA]), which have assigned objectives and beneficial uses. Water quality standards are a combination of numeric and narrative water quality objectives, and beneficial uses that are established by the Colorado River RWQCB for surface and ground waters pursuant to the Clean Water Act. Water quality standards for the receiving waters will be maintained through compliance with existing National Pollutant Discharge Elimination System (NPDES) permits for discharges during construction and post-construction.

The disturbance area to construct the Project is greater than one acre, therefore construction-phase stormwater and non-stormwater discharges will be regulated by the statewide Construction General Permit ([CGP] NPDES No. CAS000002, WDR Order No. 2009-0009-DWQ) issued by the SWRCB. The CGP Permit requires an effective SWPPP that describes the Best Management Practices (BMPs) used during construction that will minimize erosion and non-stormwater discharges (e.g., equipment leaks, construction trash, etc.) to the maximum extent practicable, such that water quality of downstream resources are not impacted. Pursuant to current regulations, the SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) and implemented onsite by a Qualified SWPPP Practitioner (QSP).

As described in the WQMP, the post-construction Project design includes bioswales along the east and south property boundaries that lead to a bioretention basin located at the southeast corner of the Project area. The swales and basin are engineered BMPs that will treat the post-construction stormwater and nuisance runoff generated onsite. The post-construction BMPs and the Project WQMP are required by, and designed pursuant to, the Municipal Separate Storm Sewer System (MS4) permit for the Whitewater River Watershed portion in Riverside County (NPDES No. CAS617002, Order No. R7-2013-0011). The City is a co-permittee to the MS4 Permit, which outlines the acceptable BMPs that will effectively treat for the pollutants of concern for the project's proposed land use. Bioretention basins (without underdrains) have a "high" pollutant removal efficiency for all pollutants of concern. The WQMP is reviewed and approved by the City so that the requirements of the MS4 Permit are met.

Wastewater generated by the Project will be contained onsite and periodically trucked to the City WWTP for treatment. Pursuant to the City's municipal code, the Project is required to demonstrate to the City the constituents in its wastewater and provide pretreatment of its wastewater, if required, prior to delivery to the WWTP. This is to avoid the release of effluent from the WWTP that may cause a violation of the WWTP WDR permit.

Through compliance with existing regulations and project design features for the protection of surface and ground waters, the proposed Project will not substantially degrade the quality of surrounding surface and ground waters and impacts are **less than significant.**

Source: BMC, MS4, RWQCB-A, SWRCB, SWMP, WDR.

b) Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The Project site is currently vacant and offers the potential for infiltration and groundwater recharge with stormwater. The proposed Project footprint will cover most of the approximately 1.8-gross acre disturbance area with impervious surfaces and decrease the potential for onsite groundwater recharge with that area. The remainder of the property (approximately 2.6 acres) will remain vacant in its current condition.

The City of Banning obtains most of its water supply from locally produced groundwater. The Project site is within the boundaries of the Cabazon Storage Unit that currently does not have a groundwater management plan. The Cabazon Storage Unit will be one of the units included in the forthcoming Groundwater Sustainability Plan (GSP) to be developed by the San Gorgonio Pass Groundwater Sustainability Agency (GSA) pursuant to Sustainable Groundwater Management Act of 2014 (SGMA). The GSP is due to the state by 2022 to explain how groundwater sustainability will be reached within 20 years.

The Applicant estimates the Project will use 300 gallons per day per acre (GPD/acre) of potable water (i.e. 540 GPD). The City uses a potable water use rate of 2,500 GPD/acre for "General Industrial" properties. Because the proposed Project is consistent with the existing land use designation for the property, the Project's water demand is not expected to be greater than that which was assumed in the City's water demand planning efforts. Further, because the site is zoned for industrial use, it is not expected to be a site for future recharge

or groundwater management efforts. Therefore, the Project will not substantially decrease groundwater supplies or impede management of the groundwater basin and impacts are **less than significant.**

Source: BWD, Project Description, SGMA, UWMP.

c) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

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

Currently, the Project site is undeveloped, sparsely vegetated, and generally flat. As such, it does not pose a risk for on- or off-site erosion or siltation. It also does not contain any drainage features that would be altered by the Project. The proposed Project will result in ground disturbance during construction and increase the impervious area, which may result in on- and off-site erosion or siltation. Consistent with existing regulations, the Project will implement a SWPPP for the minimization of erosion during construction activities, and a bioswale/bioretention basin combination for the post-construction treatment of onsite runoff (WQMP). Through implementation of existing regulations, the Project will not result in substantial erosion or siltation on- or off-site and impacts are **less than significant**.

Source: CGP, Hunsaker-B, Project Description, WOOD-A

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

As described previously, the Project site is currently undeveloped, sparsely vegetated, and generally flat, therefore surface runoff onto the property and to surrounding areas from the property is small. As discussed in the Project Hydrology Analysis (Hunsaker-A, 2019), the proposed Project will increase the impervious cover and result in an increase in the onsite stormwater flow rates. Mitigation for increased runoff in the proposed condition consists of bioswales that drain to a bioretention basin in the southeast corner of the site. The bioswale features are designed to treat "first flush" and dry weather (nuisance) flows produced from the Project through the use of engineered soil media. Pursuant to Banning Municipal Code section 13.24 (Stormwater Management System), the bioretention basin is sized to hold the 100-year, 3-hour storm event, which is a capacity of 13,000 cubic feet (CF). Converse Consultants conducted a *Preliminary Geotechnical Investigation and Percolation Testing Report* (July 23, 2019) for the Project site as part of the WQMP Report .(Hunsaker-B.) Converse recommends an infiltration rate of 0.18 inches per hour for the Project site (Hunsaker-B, p. 21), which, according to the WQMP Guidelines, is too low to be considered a candidate site for infiltration BMPs. Therefore, the basin spillway is low enough to allow a slow release of the runoff via sheet flow into the lower approximate 2.6-acres of the property, where it will then evaporate, evapotranspirate, and infiltrate.

The Project is within the Airport Influence Area of the Banning Municipal Airport. The Riverside County ALUC, consistent with the FAA, requires new stormwater basins within Airport Influence Areas to have a maximum 48-hour detention period after the end of a storm event, and to remain dry between rainfalls. (FAA Circular No. 150/5200-33C.) The combination of the low bioretention basin spillway and the onsite infiltration rate will drain the basin within 48 hours and meet the FAA/ALUC requirement, which will be implemented through compliance with mitigation measure **MM HAZ-1**, as set forth in *Response IX.e*. Therefore, impacts are **less than significant with mitigation**.

Source: FAA, Hunsaker-A, Hunsaker-B, Project Description

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Currently, the Project site is undeveloped, sparsely vegetated, and generally flat. It also does not contain drainage features such as creeks that would be altered by the Project. As described in the Project WQMP, the project design features will convey the runoff that is generated onsite to bioswales located along the eastern and southern Project boundaries that will drain to a bioretention basin located in the southeast corner of the Project footprint. The swales and basin will be underlain with engineered soil media and vegetation to provide a "high" level of pollutant removal for the pollutants that are expected from an industrial project. The basin spillway will release flows slowly onto the lower 3-acres of the property for evaporation, evapotranspiration, and infiltration. Therefore, no existing stormwater drainage systems will be affected by the Project, and onsite flows will remain onsite. Through the use of BMPs that are designed consistent with the implementation of existing regulations for the handling of storm flows and stormwater pollutants, the Project will not result in exceeding stormwater drainage systems or providing additional sources of polluted runoff, and impacts are **less than significant**.

Source: Hunsaker-A, Hunsaker-B, Project Description

iv) Impede or redirect flood flows?

The Project is within flood hazard zone "X" as designated by Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Map (FIRM) No. 06065C0817G. Zone X areas are, "areas of 0.2 percent annual chance flood (500-year event); areas of 1 percent annual chance flood (100-year event) with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance flood (100-year event)." The Project will provide drainage improvements to Lincoln Street and 8th Street that include curb/gutter that will protect the site from offsite flows. Onsite runoff will be conveyed to a bioretention basin using an onsite storm drain system of inlets, pipes, channels and curb cuts. Through Project design features that provide the required drainage improvements around the site, as well as conveyance within the site, impacts to flood flows is **less than significant.**

Source: FEMA, Project Description, WQMP

d) Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The proposed Project site is not within a tsunami or seiche zone. As discussed above in *Response X.c.iv,* the Project site is within FEMA Zone "X". Properties within FEMA Zone X are not required to mitigate for potential flooding. Further, Project includes drainage improvements including curb and gutter along Lincoln Street and Eighth Street to properly convey off-site runoff around the Project site. Therefore, the Project will not risk the release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone and impacts are **less than significant** in this regard.

Source: FEMA, Project Description

e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The Project site is located within the boundaries of the water quality control plan (Basin Plan) for the Colorado River RWQCB. The Basin Plan is the primary document supporting the RWQCB's regulatory efforts. As

previously described, the Project will implement the requirements of an effective SWPPP during construction pursuant to the CGP. Further, the Project will implement an approved WQMP that outlines the BMPs to be used to treat post-construction runoff for the pollutants of concern pursuant to the MS4 Permit. Through compliance with these regulations, the Project is consistent with the requirements of the Basin Plan and will not conflict or obstruct its implementation.

As previously described, the Project site is located within the boundaries of the Cabazon Storage Unit which does not have a groundwater management plan; therefore, impacts to an existing groundwater management plan will not occur. The San Gorgonio Pass GSA is preparing a GSP that includes the Cabazon Storage Unit. The GSP will go into effect by 2022 to achieve a sustainable groundwater basin by 2042. The City's existing land use designations will be taken into account for the placement of GSP projects that may be needed to reach sustainability (e.g. recharge basins). Because the Project is consistent with the existing underlying GP land use designation of "industrial," the site is not expected to be a future site required for implementation of the GSP. Therefore, impacts to a sustainable groundwater plan are **less than significant.**

Source: Hunsaker-B, Project Description, MS4, SWRCB

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XI. Land Use and Planning Would the project:				
a. Physically divide an established community?	☐	☐	☒	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Land Use and Planning Discussion:

a) Would the project physically divide an established community?

The proposed Project involves the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution, and will not change the surrounding zoning and land use designations. The Project is on an existing vacant parcel zoned Industrial, and thus will not physically divide an established community. Therefore, impacts will be **less than significant**.

Source: Project Description

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Project involves the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and will not change the surrounding zoning and land use designations. The proposed Project will require a conditional use permit; however, it is zoned Industrial. Thus, the Project will not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts will be **less than significant.**

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XII. Mineral Resources Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Mineral Resources Discussion:

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Sand and gravel, collectively referred to as aggregate, is the primary mineral resource that is actively being developed in the eastern portion of the City. Weathering, erosion, and other geological processes have deposited materials from the surrounding mountains and hills, forming an alluvial fan with significant deposits of these mineral resources. The Surface Mining and Reclamation Act (SMARA) was developed to assure the preservation of mineral resources while concurrently addressing the need for protecting the environment. Under the direction of SMARA, the State of California Department of Conservation, Division of Mines and Geology, released a report identifying regionally significant mineral deposits in an effort to conserve and develop them; and to help in anticipating aggregate production needs of the region. (GP, p. IV-82.)

The proposed Project site is located within the Mineral Resource Zone (MRZ) 3. (GP, Exhibit IV-8 and p. IV-83.) This means that the Project site is located within an area that contains mineral deposits; however, the significance of these deposits cannot be evaluated from available data. However, due to the small size of the Project site and existing residential development to the south of the site, it is unlikely that a profitable mining operation could operate at the Project site.

Further, the City has specific areas designated as Industrial-Mineral Resources (I-MR) land use in the City's GP to allow for surface mining operations on lands designated by the City or State as having significant potential for mineral resources. (GP DEIR, Table I-18.) The Project site is not within one of these zones, and so is not targeted for development of mineral resource mining by either the City or the State. Thus, the proposed Project will not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. Therefore, impacts will be **less than significant.**

Source: GP; GP DEIR

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

There is an approximately 6.5 acre area classified as MRZ 2[6] in the eastern portion of the City along the alluvial fan of the San Gorgonio River that lies southeast of the Banning Bench, north and south of Interstate 10. (GP

[6] Mineral Resource Zone 2 means adequate information indicates that significant mineral deposits are present or that a high likelihood for their presence exists,

Exhibit IV-8 and p. IV-83.) As of 2004, the Banning Quarry, operated by Robertson's Ready Mix, was the only aggregate producer within the MRZ 2 designated area of the City. (GP p. IV-83.)

The proposed Project Is not located within or adjacent to the Banning Quarry or any other locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Further, as described in *Response XI.a*, above, the proposed Project is not within the Industrial-Mineral Resources land use designation in the City's GP. Thus, the Project will not result in the loss of availability of a locally important mineral resource. Therefore, **no impacts** are anticipated.

Source: GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIII. Noise Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Noise Discussion:

a) Would the project result in 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?

Noise impacts are evaluated from two perspectives – impacts to the Project and impacts from the Project. Noise impacts to a project may occur as a result of excessive off-site noise sources. Noise impacts from a project may occur as a result of onsite activities or project-related traffic. To evaluate these impacts a *Noise Analysis Report* was prepared for the Project by dBF Associates, Inc. (dBF). This study is included as Appendix G to the IS.

Banning Municipal Code

Chapter 8.44 of the Banning Municipal Code (BMC) establishes criteria and standards for the regulation of noise levels within the City. (BMC 88.44.010.) BMC Section 8.44.050 identifies the base ambient noise levels which are presented in **Table J**, below. All ambient noise measurements shall commence at these levels, unless actual decibel measurement exceed these levels, in which case the measured levels shall be used as the base ambient noise level (BANL).

Table J – Base Ambient Noise Levels

Decibels	Time	Zone/Land Use
45 dBA	10:00 pm – 7:00 am	Residential
55 dBA	7:00 am – 10:00 pm	Residential
75 dBA	Anytime	Industrial and Commercial

Source: BMC Section 8.44.050

BMC Sections 8.44.070 and 8.44.080 identifies the following maximum residential and no-residential noise levels, respectively.

Existing Ambient Conditions

Land uses surrounding the Project site include commercial and industrial buildings to the north and northwest, single-family residences to the south, and vacant land to the east, southwest, west, and southwest. (**Figure 2 – Project Site**.) The primary existing noise sources in the vicinity of the Project site are natural activity, vehicular traffic on nearby roadways, industrial facilities, railroad traffic, and occasional aircraft. (dBF, p. 9.)

Ambient sound level measurements were conducted to estimate the existing acoustical environment at two location; at the Project site north property line (measurement location 1) and at the southwest corner of the Project site near the residences to the south of the site (measurement location 2). These measurements were taken between the hours of 10:30 am and 11:00 am. (dBF, p. 8.) The results of these measurements are presented in **Table K – Existing Sound Level Measurements**.

Table K – Sound Level Measurements

Measurement Location		L_{eq}	L_{min}	L_{max}	L_{10}	L_{50}	L_{90}
1	North property line	61.4	47.5	76.5	65.0	52.7	49.2
2	Near residences to south	52.7	42	66.2	55.3	47.6	44.4

Source: dBF, Table 2

Notes: L_{eq} is the energy-averaged A-weighted sound level during a measured time interval. L_{max} and L_{min} represent the maximum and minimum noise levels obtained during the measurement interval, respectively. L_{10}, L_{50}, and L_{90} represent the noise levels equaled or exceeded during 10, 50, and 90 percent of a stated time, respectively. (dBF, pp. 5–6.)

Construction

During Project construction, temporary increases to ambient noise levels will occur as a result of the use of construction equipment[7] such as graders, dozers, tractors, cranes, excavators, and generators and from a worker-related increase in traffic within the vicinity of the Project site. The nearest sensitive receptors to the Project site are the residences south of E. Barbour Street. (See **Figure 2 – Project Site**.) Since construction activities will be limited to the norther approximately 1.8 gross acres of the Project site, the nearest sensitive receptor, which are the residences south of E. Barbour are approximately 300 feet south of the detention basin, which is area closest to the residences.

Construction will entail three non-overlapping activities, grading, building construction, and paving. (**Table A – Construction Schedule**.) Grading at the detention basin is the activity that will occur closest to the sensitive receptors. The maximum noise level (L_{max}) level for graders and dozers is 85 dBA at 50 feet; the L_{max} for tractors is 84 dBA at 50 feet. Assuming all three pieces of equipment are operating simultaneously at the southern-most portion of the detention basin, the noise level at the residences would be approximately 74 dBA.[8]

BMC Section 8.44.09.E1, states noise resulting from construction between the hours of 7:00 am and 6:00 pm may exceed sound levels otherwise set forth in the BMC Chapter 8.44. Since Project construction will take place between 7:00 am and 6:00 pm, impacts regarding the generation of a substantial temporary increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance are **less than significant**.

[7] Construction equipment is identified in **Table B – Construction Equipment List**.

[8] The combined L_{max} for a grader, dozer, and tractor is 90 dBA at 50 feet. Using the point source propagation formula, $dBA_2 = dBA_1 + 10\log_{10} [(D_1/D_2)]^2$, where dBA_1 =90, D^1 = 50 feet, and D^2 = 300 feet.

Operation

Outdoor Project noise sources would include one transformer; and three 5-ton, ten 8-ton, and twelve 10-ton split-system HVAC condenser units. The transformer would be located near the northeast Project site corner, approximately 10 feet from the north property line. The condensers would be located in the two "HVAC Areas" east of the Project building, as close as approximately 33 feet from the east property line. (**See Figure 4B – Site Plan (Proposed Development)**.) All other equipment would be inside the facility building. (dBF, p. 10.)

Assuming each transformer has a L_{max} of 67 dBA at one foot, and each condenser is located 3-feet in height above rooftop level, operates continuously, and produces a sound power level of 69–77 dBA, the Project would produce noise levels below the allowable level of 45 dBA L_{eq} at the nearest sensitive receptor. The Project would also produce noise on the below the allowable level of 75 dBA at nonresidential land uses. (dBF, p. 10.)

Since Project-generated operational noise will be below the allowable sound levels set forth in BMC Sections 8.44.070 and 8.44.080, impacts regarding generation of a permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance are **less than significant**.

Source: BMC, dBF

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction has the potential to generate ground-borne vibration. In general, demolition of structures preceding construction generates the highest vibrations. The proposed Project site is currently vacant and does not necessitate demolition of any existing structures. Construction equipment can generate perceptible vibration during construction activities. Other than the typical construction equipment and methods needed to construct the Project, no significant groundborne vibration or noise is expected.

Since the Project construction methods are not anticipated to generate any significant sources of groundborne vibration or noise above those that would normally be associated with construction, and any noise generated during construction will adhere to the Banning Municipal Code standards. Thus, the Project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels. Therefore, impacts will be **less than significant**.

Source: BMC

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

The Banning Municipal Airport is located approximately 1.5 miles east of the Project site. Land use designations within the City have been arranged to accommodate for continued safe operation of the BMA. (GP DEIR, p. III-62.) The Project is located in Airport Influence Area D; as well as the BMA 55 CNEL noise contour. According to Table 2B in the *Riverside County Airport Land Use Compatibility Plan Countywide Policies, Chapter 2*, light industrial is "clearly acceptable" and activities can be carried out without interference from aircraft noise. Therefore, Project implementation will not expose people residing or working within the Project area to excessive noise levels. Additionally, the proposed Project is not located within the vicinity of a private airstrip. Therefore, impacts will be **less than significant.**

Source: ALUC; GP DEIR

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIV. Population and Housing Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Population and Housing Discussion:

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project involves the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and does not propose new homes or infrastructure that would substantially induce population growth. The Project applicant indicated that the total number of employees will be 13, which includes warehouse employees, office staff and a 24-hour security guard. There will be two shifts per day (6:00 am – 2:30 pm and 2:30 pm – 11 pm) with approximately six warehouse employees and a security guard on site during each shift. The Project will not change the existing land use of Industrial as analyzed in the City's GP. Thus, the Project will not induce direct or indirect unplanned population growth. Therefore, **no impacts** are anticipated.

Source: Project Description

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed Project site is a vacant parcel zoned Industrial there is no existing housing at the Project site. Thus, the proposed Project will not displace any people or existing housing, nor necessitate the construction of replacement housing elsewhere. Therefore, **no impacts** are anticipated.

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XV. Public Services				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Public Service Discussion:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

i) Fire protection?

Fire protection services are provided to the City of Banning through a contractual agreement with the Riverside County Fire Department, which in turn contracts with the California Department of Forestry CAL FIRE. The contract provides various fire related services, including emergency medical services, fire prevention, disaster preparedness, fire safety inspections, hazardous materials business plan programs and plan reviews. When an emergency call is received, the station that is physically closest to the emergency will respond, even if the emergency is located outside the station's official "jurisdiction." (GP, p. VI-35.) Per the Riverside County Fire Department, there are two fire stations located in the City: Fire Station 63, located at 49575 Orchard Road, and Fire Station 89, located at 172 North Murray Road (RCFD). Fire Station 20, located in the City of Beaumont at 1550 E. 6th Street, also responds to fire emergencies that occur in the City. Fire Station 89 is less than one mile to the northeast of the Project site and would likely provide emergency response services to the Project site. The Riverside County Fire Department is rated as Class 4 by the Insurance Service Office (ISO), a private company, which rates fire departments throughout the country based on a scale of 1 to 10, with Class 1 being the highest possible score. The City aims for a ratio of above 0.70 fire personnel per 1,000 residents, which would be 58 firefighters at General Plan buildout. (GP DEIR, p. III-202.)

The proposed Project involves the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and this use is consistent with the City's existing land use designations. Thus, the Project will not cause a significant increase in population triggering the need for additional fire facilities or impacts to acceptable service ratios, response times, or performance objectives. Therefore, impacts will be **less than significant.**

Source: GP; GP DEIR; RCFD

ii. Police protection?

Police protection services within City limits are provided by the Banning Police Department. (GP, p. VI-32.) The Banning Police Department has 35 sworn officers and maintains a ratio of 1.4 sworn officers for every 1,000 residents. (GP DEIR, p. III-200.) The City's police station is located at 125 East Ramsey Street, less than one mile east of the Project site. The proposed Project involves construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and this use is consistent with the City's existing land use designations. The Project will not cause a significant increase in population triggering the need for additional police services and will not impact to police facilities or maintenance of acceptable service ratios, response times, or other performance objectives. Therefore, impacts will be **less than significant**.

Source: GP; GP DEIR

iii. Schools?

The majority of the City is served by the Banning Unified School District, with a small area in the western portion of the City served by the Beaumont Unified School District. (GP, pp. VI-24–VI-25.) The proposed Project involves construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and will not cause an increase in population that would require additional school facilities. Therefore, **no impacts** are anticipated.

Source: GP

iv. Parks?

Parks and recreation services within the City are provided by the City Community Services Department. The Riverside County Regional Park and Open Space District also provides recreational facilities and services at County owned parks facilities within the City. (GP, p. III-83.) The proposed Project involves the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and will not cause an increase in population that would require additional park facilities. Therefore, **no impacts** are anticipated.

Source: GP

v. Other public facilities?

Other public facilities in the City include one U.S. Post Office, the Banning Municipal Airport, San Gorgonio Memorial Hospital, and a number of public utility facilities operated by the City Public Works Department. The proposed Project involves the construction and operation of a 21,000 SF warehouse for cannabis cultivation and distribution and no construction of additional public facilities will be required. For this Project, according to the developer, it is estimated that were would be approximately 13 employees, including 12 warehouse employees and a security guard with approximately six employees on site for each shift. Therefore, **no impacts** are anticipated.

Source: GP

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVI. Recreation				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Recreation Discussion:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Parks and recreation services within the City are provided by the City Community Services Department. The Riverside County Regional Park and Open Space District also provides recreational facilities and services at County owned parks facilities within the City. (GP, p. III-83.) The proposed Project will not result in a direct or indirect increase in population and thus, will not increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, **no impacts** are anticipated**.**

Source: GP, Project Description

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed Project does not include recreational facilities and will not result in a population increase that would require the construction or expansion of recreational facilities. Therefore, **no impacts** are anticipated.

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVII. Transportation Would the project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

Transportation and Traffic Discussion:

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Each county in California is required to develop a Congestion Management Program (CMP) that analyzes at the links between land use, transportation and air quality. The Riverside County Transportation Commission (RCTC) is the County of Riverside's Congestion Management Agency. The RCTC prepares and periodically updates the County's CMP to meet federal Congestion Management System guidelines and state CMP legislation. According to Table 2-1-CMP System of Highways and Roadways, in the 2011 Riverside County Congestion Management Program, Interstate 10 and Highway 243 are the only roads in proximity to the Project site listed as part of the CMP System of Highways and Roadways. Interstate 10 is not directly adjacent to the Project site; however, Highway 243 is directly adjacent to the Project site and referred to as West Lincoln Street. As noted in the Project Description, the Project is responsible for dedicating land to build West Lincoln Street to its ultimate width south of the roadway centerline. Thus, the Project will not conflict with a CMP due to the distance between the Project site, planned roadway improvements and that these covered roadways and the trips have been accounted for in the GP.

The GP identifies that sidewalks, bike lanes, off-street trails and golf cart routes are especially important along major roadways in the community. In May 2002, the Banning City Council approved the final Pass Area Transit Plan. The Transit Plan establishes the Pass Transit System (PASS), which consists of two independent transit systems, the Banning Municipal Transit System and the Beaumont Municipal Transit System. The PASS provided local transit services within the community. Regional bus service is provided by the Riverside Transit Agency (RTA), which provides services to Hemet/San Jacinto (Route 31), Moreno Valley (Route 35), and Calimesa/Redlands (Route 36). The proposed Project involves the construction and operation of a 21,000 SF warehouse and will not conflict with any adopted policies, plans, or programs supporting alternative transportation. Therefore, impacts will be **less than significant**.

Source: RCTC CMP; GP; PASS; RTA

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Senate Bill 743 (SB743) was passed by the California State Legislature and signed into law by Governor Brown in 2013. SB 743 required the Office of Planning and Research and the California Natural Resources Agency to develop alternative methods of measuring transportation impacts under the California Environmental

Quality Act (CEQA). In December 2018, the California Natural Resources Agency finalized updates to the CEQA Guidelines, which included SB743. Section 15064.3 of the 2019 CEQA Guidelines provide that transportation impacts of projects are, in general, best measured by evaluating the project's vehicle miles traveled (VMT). Automobile delay (often called Level of Service) will no longer be considered to be an environmental impact under CEQA. Automobile delay can, however, still be used by agencies to determine local operational impacts. The Governor's Office of Planning and Research published the *Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory)* in December 2018.

The first step in evaluating a project's VMT impact is to perform an initial screening assessment to ascertain when a project is expected to result in a less than significant impact without conducting a detailed study. (OPR Technical Advisory, p. 12.) As part of the Project's screening analysis, a trip generation memorandum was prepared and is included as Appendix H to this IS. Using trip generation rates published in the *ITE Trip Generation Manual* (10th Edition, 2017), the Project is expected to generate approximately 83 weekday trips. (WEBB-C, p. 2.) Given that the Project will have two shifts per day (6:00 am–2:30 pm and 2:30 pm–11 pm) with approximately six warehouse employees and a security guard on site during each shift, the trip generation memorandum provides very conservative estimate of Project-generated trips.

The *Technical Advisory* states "Absent substantial evidence indicating that indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact." Because the Project will generate less than 110 daily trips, based on the screening threshold recommended in the *Technical Advisory*, Project impacts regarding VMT may be assumed to be less than significant, and no further VMT analysis is required. Therefore, impacts with regard to being in conflict or inconsistent with CEQA Guidelines section 15064.3, subdivision (b) are **less than significant**.

Source: OPR Technical Advisory, WEBB-C

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project does not propose any design features that would increase traffic hazards, as the Project does not proposed changes to the geometry of the adjoining streets. As shown on **Figure 4A – Site Plan (Entire Parcel)** and **Figure 4B – Site Plan (Proposed Development)**, the proposed Project includes a single access point from South 8th Street and a secondary gated emergency-only access on the eastern side of the Project site. Additional surrounding land uses include vacant land to the west and east and residential development to the south and light industrial to the north. Thus, the Project is not introducing a substantially different land use to the area and will be compatible with adjacent uses. As such, the Project will not increase hazards due to a design feature or incompatible use. Therefore, impacts will be **less than significant**.

Source: Project Description

d) Would the project result in inadequate emergency access?

The Project consists of the construction and operation of a 21,000 SF warehouse. As noted in *Response XVII.c* above, the proposed Project includes two access points, one main access and one emergency. The Project design will be reviewed by City Planning, Police, and Fire Department staff to ensure that there is sufficient emergency access provided. Additionally, the Project is improving South 8th Street and West Lincoln Street at the Project frontage to their ultimate width east and south of the roadway centerlines, respectively. As the

Project will be required to comply with the recommendations of applicable reviewers, it will not result in inadequate emergency access. Therefore, impacts will be **less than significant**.

Source: Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVIII. Tribal Cultural Resources Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource 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. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or	☐	☐	☒	☐
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Tribal Cultural Resources Discussion:

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

As identified in *Response V.a*, above, a *Phase I Cultural Resource Assessment* dated January 2020 was prepared by Applied Earthworks (AE) and no eligible historic properties or significant historical resources have been recorded or listed within the Project site. (AE, p. 21.) Therefore, impacts will be **less than significant**.

Source: AE

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Assembly Bill 52 (AB52), signed into law in 2014, amended CEQA and established new requirements for tribal notification and consultation. AB 52 applies to all projects for which a notice of preparation or notice of intent to adopt a negative declaration/mitigated negative declaration is issued after July 1, 2015. AB52 also broadly defines a new resource category of tribal cultural resources and established a more robust process for meaningful consultation that includes:

- prescribed notification and response timelines;
- consultation on alternatives, resource identification, significance determinations, impact evaluation, and mitigation measures; and
- documentation of all consultation efforts to support CEQA findings

Pursuant to the provisions of AB52, the City of Banning Planning Department sent notification to 19 tribes on December 18, 2019. Of the 19 tribes contacted, three tribes responded, the Morongo Band of Mission Indians (MBMI), the San Manual Band of Mission Indians (SMBMI), and the Agua Caliente Band of Cahuilla Indians (ACBCI). The MBMI requested additional information and/or consultation; however, after the City

provided MBMI the requested information, the tribe did not respond to further outreach from the City. The SMBMI indicated the project site was outside of their ancestral territory and were not requesting consulting status of review of any Project documents. The ACBCI requested additional information and upon review indicate their concerns were addressed and concluded AB 52 consultation. Thus, with implementation of mitigation measure **MM CR-1**, the Project will not result in a substantial adverse change in the significance of a tribal cultural resource and AB52 consultations have been concluded. Therefore, impacts will be **less than significant with mitigation**.

Source: City of Banning

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIX. Utilities and Service Systems Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste 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?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Utilities and Service Systems Discussion:

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Utility Providers:

- City of Banning: Water and Sewer
- Electric: Southern California Edison Company
- Natural Gas: Southern California Gas Company
- Telephone: Spectrum and Frontier Communications

The City of Banning Public Works Department – Wastewater Division provides sanitary wastewater services to the City of Banning, including the Project site. The City is served by one wastewater treatment plant (WWTP). Buildout according to the City's GP is anticipated to occur gradually over the life of the GP and it is expected that the City will be able to monitor growth trends to assure that wastewater services are adequate. (GP DEIR, p. III-210.). The City is currently in the process of expanding the WWTP to provide tertiary treatment of wastewater to use for non-potable purposes in the City. The City Public Works Department provides domestic water services to the City of Banning and unincorporated County of Riverside lands located southwesterly of the City limits. The City owns and operates water wells, reservoirs, and a distribution line system to deliver domestic water within their service area. The City has water lines ranging from 2 inches to 30 inches in diameter. (GP DEIR, p. II-15.)

The Project will require approximately 450 linear feet of a 12- to 18-inch diameter water line from the Project frontage on S. 8th Street to terminus of Barrett Avenue, and approximately 20 linear feet of a 6- to 8-inch diameter sewer line from the northwest portion of the building to an existing 10-inch sewer line on S. 8th

Street. An onsite storm drain line will be constructed to outlet into on onsite detention basin at the southeast corner. Existing electrical power, natural gas, and telecommunication facilities are available in S. 8th Street/Lincoln Street, and will also be extended to serve the proposed Project. These extensions will be conducted in accordance with each utility purveyor's specification and accordance with the City's guidelines.

The utilities to be extended to the Project site will be constructed within existing roadways (S. 8th Street/Lincoln Street) and within the Project boundary, and therefore would not result in significant environmental effects.

Therefore, the proposed Project would not cause significant effects regarding the construction of water, sewer, storm water drainage, electrical power, natural gas, or telecommunications facilities and impacts will be **less than significant**.

Source: GP DEIR, Project Description, WWTP

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

The City Public Works Department provides domestic water services to the City of Banning and unincorporated County of Riverside lands located southwesterly of the City limits. The City owns and operates wells, reservoirs, and a distribution line system to deliver domestic water within their service area. The City has water lines ranging from 2 inches to 30 inches in diameter. (GP DEIR, p. II-15.) According to the City's 2015 Urban Water Management Plan (UWMP), the City will be able to meet future demands through 2035 with existing supplies, without using any of the City's 46,774 acre-feet of groundwater in reserve storage in the Beaumont Storage Unit. If the stored groundwater is used to supplement demands, the City will be able to satisfy projected citywide water demands at 220 gallons per capita per day (GPCD) without acquiring additional quantities of replenishment water for many years beyond 2040. (UWMP, p. 6-5.)

The Project proposes to construct and operate a 21,000 SF warehouse for the cultivation and distribution of cannabis. The Project is estimated by the Applicant to consume potable water at the rate of 300 GPD/acre. The City assumes a standard rate of 2,500 GPD/acre of potable water demand for "General Industrial" land uses. Because the proposed Project is consistent with the City's current land use and zoning designations for the site, it would have been accounted for in the City's most recent UWMP. because the proposed Project is consistent with the existing land use designation and incorporates features to keep water demand low, impacts to water supplies will be **less than significant.**

Source: GP DEIR; Project Description, UWMP

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The City of Banning Public Works Department provides sanitary wastewater services to the City of Banning, including the Project site. Buildout according to the City's GP is anticipated to occur gradually over the life of the GP and it is expected that the City will be able to monitor growth trends to assure that wastewater services are adequate. (GP DEIR, p. III-210.) The proposed Project is consistent with the City's current land use and zoning designations for the site, and thus would have been accounted for in the City's GP. The proposed Project is consistent with the City's current land use and zoning designations for the site, and thus would have been accounted for in the City's UWMP. The Project proposes to construct and operate a 21,000 SF warehouse for cannabis cultivation and distribution and associated drainage on the currently vacant site. As noted in the Project Description, wastewater associated with cannabis cultivation and distribution will either be treated

onsite prior to conveyance to the WWTP or transported offsite to be disposed of at an appropriate facility. Untreated cannabis waste will not comingle with the municipal wastewater treatment facilities. Therefore, impacts will be **less than significant.**

Source: Project Description; GP DEIR

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste collection and disposal services are provided by Waste Management Inland Empire and trash collected from the City is disposed at the Lamb Canyon Sanitary Landfill, El Sobrante Landfill, and the Badlands Landfill. According to CalRecycle databases, the Badlands Landfill will remain operational until 2022, Lamb Canyon Landfill until 2029, and El Sobrante Landfill until 2045 (CalRecycle). Additionally, proposed land uses envisioned in the City's GP are not anticipated to produce unusually high quantities of waste. However, in order to ensure the safe and cost effective disposal of the City's solid waste, monitoring of waste management by City departments is necessary. (GP DEIR, p. III-212.) The proposed Project's waste related to cannabis cultivation and distribution will be transported offsite for disposal as required by the City's cannabis ordinance. Thus, the landfills will have sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Therefore, impacts will be **less than significant.**

Source: CAL-R

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The Project site currently does not generate solid waste. The waste that will be generated from construction of the Project will be hauled off and disposed of in an appropriately licensed facility by the construction contractor to the satisfaction of the City. The Project will include a trellis trash enclosure on the south side of the building. Cannabis waste generated during operations of the proposed facility must follow the Banning Municipal Code for "Cannabis Waste Management" (BMC 17.53.130). The requirements are as follows:

17.53.130 - Cannabis waste management.

Cannabis waste disposal shall be conducted as follows:

A. Chemical, Dangerous and Hazardous Waste. Disposal of chemical, dangerous or hazardous waste must be conducted in a manner consistent with federal, state and local laws, regulations, rules or other requirements. This may include, but is not limited to, the disposal of all pesticide or other chemicals used in the cultivation process, certain solvents or other chemicals used in the production of cannabis concentrate.

B. Cannabis Waste. Cannabis waste must be made unusable and unrecognizable prior to leaving the licensed premises by grinding it and incorporating it with fifty percent non-medicinal cannabis waste. If necessary to protect the health and safety of individuals working on a licensed premises, a cannabis business may grind the stalk of a cannabis plant outside of its licensed premises provided all grinding activities occur within twenty feet of the licensed premises and cannot be seen from any public street.

C. Cannabis waste must be placed in either a trash enclosure or a trash receptacle for which either is locked with a commercial grade lock that is only accessible by the owner, manager, or employee of the cannabis business and any waste disposal company that provide waste disposal services for the cannabis business. (Ord. No. 1523, § 3G, 7-10-18)

Non-cannabis waste (i.e. solid waste and recyclables) will be collected and disposed according to Banning Municipal Code Sections 8.28 (Garbage Collection and Disposal) and 8.52 (Recycling). Compliance with the recycling requirements in Banning Municipal Code Section 8.52 will enable the City to reach waste reduction goals mandated by Assembly Bill 939 and space allocation requirements mandated by the state Solid Waste Reuse and Recycling Access Act of 1991 (AB1327). Through project design features and compliance with existing regulations, Project impacts to local management, waste reduction statutes, and regulations related to solid waste are considered **less than significant**.

Source: BMC, Project Description

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XX. Wildfire If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Wildfire Discussion:

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The GP designates five fire threat zones; No Fuel, Moderate, High, Very High, and Extreme. According to the Banning GP, the proposed Project site and the surrounding area are within an area classified as a high fire threat zone. (GP, Exhibit V-10.) This zone includes most of the developed central portion of the City along Interstate 10 (I-10. IN this zone, relief is minimal and hardscape (concrete, asphalt and structures) and landscaping vegetation predominate. (GP, p. V63; Exhibit V-10.) According to Calfire, the proposed Project borders a Local Responsibility Area (LRA) to the north and a State Responsibility Area (SA) to the south. The Project is not within or in the vicinity of a very high fire hazard severity zone. (Calfire.)

Temporary construction activities and staging areas will generally be confined to the Project site and will not physically impair access to other existing roadways within the Project vicinity. Therefore, since the Project is not within a very high fire hazard severity zone, implementation of the Project would not impact an adopted emergency response plan or emergency evacuation plan will be **less than significant**.

Source: GP, CalFire

b) Would the project 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?

As discussed *in Response XX.a*, the Project site is not within or in the vicinity of a very high hazard severity zone. Further, the proposed Project site is a generally flat area at an elevation approximately 2,330 feet AMSL. The proposed warehouse will not contribute to the spreading of wildfire. Since the Project will not

exacerbate wildfire risks, impacts to exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire is **less than significant**.

Source: CalFire

c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

As noted above, the Project site is not within or in the vicinity of a very high hazard severity zone. The Project proposes to construct and operate a 21,000 SF warehouse for cannabis cultivation and distribution. The proposed Project does not include above-ground utilities or power lines that may exacerbate fire risk. As such, the impacts associated with the Project would be **less than significant**.

Source: CalFire

d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is on relatively flat area, does not pose a risk to a downslope or downstream flooding or landslides, and the Project did not change existing drainage patterns. Therefore, impacts to exposing people or structures to significant risk including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, are **less than significant**.

Source: CalFire

ENVIRONMENTAL FACTORS:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XXI. Mandatory Findings of Significance				
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or an endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Mandatory Findings of Significance Discussion:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or an endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed throughout the Initial Study, the proposed Project area contains some sensitive biological resources that could potentially be affected by the project. All potentially significant impacts to biological resources would be avoided or reduced to a less than significant impact with the implementation of mitigation measures **MM BIO-1** and **MM BIO-2** identified in this Initial Study.

Although one built environment resource was found on the Project site, this resource was found in a worse condition than when it was originally reported. This resource was evaluated against CRHR significance criteria and found ineligible for listing. No additional cultural resources were encountered within the Project site. Therefore, with the implementation of mitigation measure mitigation measure **MM CR-1**, impacts will be less than significant.

Thus, the proposed Project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Therefore, impacts will be **less than significant with mitigation**.

Source: Above Initial Study

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection

with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

As demonstrated by the analysis in this Initial Study, the proposed Project will not result in any significant environmental impacts. The Project is consistent with local and regional plans, and the Project's air quality emissions do not exceed established thresholds of significance. Additionally, the proposed Project will not cause a substantial increase in ambient noise levels. The Project adheres to all other land use plans and policies with jurisdiction in the Project area, and will not increase VMT within the City and region. The Project is not considered growth-inducing as defined by State *CEQA Guidelines* Section 15126.2(d) and will not induce, either directly or indirectly, population and/or housing growth. Therefore, the proposed Project will not result in impacts that are individually limited, but cumulatively considerable and cumulative impacts will be **less than significant**.

Source: Above Initial Study

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Effects on human beings were evaluated as part of this Initial Study and found to be less than significant with implementation of mitigation measures in biological resources, cultural resources, geology/soils, and hazards and hazardous materials.

Based on the analysis and conclusions in this initial study, the proposed Project will not cause substantial adverse effects directly or indirectly to human beings. Impacts to humans resulting from Project operations in proximity to the BMA, will be reduced to less than significant with implementation of mitigation measure **MM HAZ-1**. Therefore, potential direct and indirect impacts on human beings that result from the proposed Project are considered **less than significant with mitigation** incorporated.

Source: Above Initial Study

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Sections 65088.4, Gov. Code; Sections 210808I, 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino,* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors,* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; P*rotect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109*; San Francisco Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656

EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 1503 I (3) (D).

Earlier Analysis Used, if any:

- City of Banning, *General Plan*, Adopted January 31, 2006. (Available at the City of Banning.)

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