



## 5.0 MSJC PROGRAMMATIC ANALYSIS

### 5.1 INTRODUCTION

This chapter provides a programmatic analysis of the environmental impacts of the MSJC Entitlements (defined below) which arise as a result of the City’s application of State law requiring no net loss of residential capacity when the Development Site is rezoned from residential to industrial, commercial, and open space uses. The Development Project is discussed in detail in the project-level analysis of the Development Project in **Chapter 3.0** of this Environmental Impact Report (EIR). The use of this EIR as both a project-level and programmatic-level document is detailed in **Chapter 1.0**.

Specifically, the City has determined that adoption of a general plan amendment and rezoning for the Development Project would result in the reduction of the City’s residential capacity by a maximum of 1,146 units. State law, set forth in Government Code Section 66300 et seq., requires that the City identify and rezone other land in the City to ensure no net loss of residential capacity<sup>1</sup>. The City has identified an approximately 49.2-acre site located adjacent to the Development Site, east of Sunset Avenue and south of Westward Avenue (MSJC Site), that is owned by the Mt. San Jacinto Community College District (MSJCCD),<sup>2</sup> for that purpose. A portion of the MSJC Site houses the existing MSJCCD San Geronio Campus. To avoid a net loss to the City’s residential capacity that would result if the Development Project, as described in **Chapter 3.0** of this EIR, is approved, the City has initiated an application to concurrently amend the general plan land use designation, change the zoning classification, and establish a Specific Plan Zoning Overlay (SPZO) (“Overlay”) for the MSJC Site with the MSJC Entitlements, defined below, creating capacity for up to 1,181 units at the MSJC Site<sup>3</sup>. The number of units described is a maximum number of units that could be developed on the sites and is considered conservative in that developments typically do not achieve maximum density due to a variety of factors, including topography and infrastructure requirements. This chapter evaluates the environmental impacts of the MSJC Entitlements at a programmatic level. The MSJC Entitlements avoid the net loss of residential capacity and would not result in an increase in capacity or number of residential units in the City. Therefore, the MSJC Entitlements are consistent with existing City planning documents and baseline with only the location of the use changing.

The MSJC Entitlements are comprised of (1) a General Plan Land Use Amendment (GPA) and (2) a change to the Official Zoning Map (ZC) on the MSJC Site to change the land use designation and zoning from PF–S (Public Facilities–Schools) to VHDR (Very High Density Residential), with a density range of 18–24 dwelling units per acre (18-24 DU/AC).<sup>4</sup> The City’s VHDR land use designation authorizes condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. To ensure that the college facilities and any future

<sup>1</sup> Government Code Section 66300 et seq. imposes a requirement that a City’s no net loss of residential capacity as a result of rezoning, as measured against the city’s residential capacity in January 2018, must be concurrently rectified by rezoning of other property in the city for residential purposes to make up the capacity deficiency.

<sup>2</sup> Section 17, Township 3 south, Range 1 East, SBBM.

<sup>3</sup> Under State Law, the MSJCCD may continue to develop the site with school facilities (as it would not be subject to local zoning) in addition to the residential uses for which the property would be rezoned.

<sup>4</sup> General Plan Amendment 22-2502 and Zone Change 22-3502.



residential development are compatible, and to provide for the clustering allowed by the City's Municipal Code, the City will establish by ordinance a specific plan overlay (Overlay) coterminous with the MSJC Site boundary. The Overlay would require preparation and adoption of a Specific Plan, pursuant to Chapter 17.96 of the Banning Municipal Code (BMC) prior to development of VHDR residential uses on the MSJC Site.

While the adoption of the MSJC Entitlements would rezone the MSJC Site to allow very high density residential uses, no residential development is envisioned at this time. Further, no residential development application has been filed or is contemplated for the MSJC Site. The Overlay would ensure the MSJC Site be developed in a cohesive manner, account for the provision of adequate public infrastructure (i.e., roads, storm drain, electricity, sewer, potable and recycled water availability), and would provide the opportunity for clustering of residential development, to provide for a mixed-use school facility and residential development on the property. Refer to **Section 3.5.6.1** of this EIR for further discussion of the proposed entitlements.

As no specific development project has been identified for the MSJC Site and no Specific Plan is currently proposed, the City has determined that a programmatic evaluation of the MSJC Entitlements is appropriate<sup>5</sup>.

## 5.2 CEQA REQUIREMENTS

This EIR contains both a project-level and a programmatic-level of review. The Development Project described in **Chapter 4.0** of this EIR is analyzed at a project level of detail consistent with *CEQA Guidelines* §15161 and considers the changes in the environment that would result during construction and operation of the Development Project. The MSJC Entitlements are analyzed at a programmatic level, consistent with *CEQA Guidelines* §15168 because they are logical parts in the chain of contemplated actions (*CEQA Guidelines* §15168).

Consistent with the requirements set forth in Public Resources Code §21068.5 and *CEQA Guidelines* §§15152 and 15168(c), later activities (i.e., any future project level activity at the MSJC Site, such as adoption of the required specific plan) could be tiered from, and would be examined in light of, the information in this programmatic analysis to determine whether an additional environmental document must be prepared to evaluate project-level environmental impacts associated with development of the MSJC Site. The City would use this EIR to determine whether impacts of future development on the MSJC Site have been addressed in the analysis in this chapter or whether additional environmental analysis is required. If an additional environmental document is necessary under §15168(c)(1) of the *CEQA Guidelines*, under tiering provisions in Public Resources Code §21068.5 and *CEQA Guidelines* §15152(a), it would incorporate the discussion, and applicable mitigation measures, from this chapter and focus the analysis on site specific issues not previously or sufficiently addressed. This programmatic analysis is intended to assist the City in streamlining environmental documentation for future development projects at the MSJC Site that could tier from this EIR. Factors to be used in determining whether subsequent environmental review is required

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<sup>5</sup> This action does not contemplate development of the MSJC Site by the time of Development Project buildout (2027) but recognizes that development may occur sometime in the future. In order to consider the potential that the use may occur, the cumulative Project analysis includes development of the residential uses in the assessment of 2045 conditions.



include but are not limited to whether the subsequent, project-level development is within the scope of the MSJC Entitlements, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure described in this EIR, and whether impacts from development of residential uses on the MSJC Site have been fully analyzed and mitigated to less than significant in this programmatic analysis.

## 5.3 DESCRIPTION

### 5.3.1 Location

The MSJC Site is a 49.2-acre site<sup>6</sup> located in the City at the southeast corner of Sunset Avenue and Westward Avenue. Refer to **Figure 3.2** for the MSJC Site's local context. Approximately 8.3 acres of the MSJC Site are currently developed with MSJC campus features more specifically described in **Section 5.3.3** below. The balance of the MSJC Site is undeveloped, with no existing structures, and vegetative mosaic of Riversidean sage scrub, grassland, and water habitats. Pershing Creek crosses Sunset Avenue from the west, bordering the southern portion of the MSJC Site.

### 5.3.2 Setting

This section discusses the existing setting for the MSJC Site. This includes roadway boundaries, existing conditions, and general plan land use and zoning designations.

- **North:** Westward Avenue is located in the City, directly north of the MSJC Site, and a single-family residential neighborhood is located north of Westward Avenue. Land to the north of the MSJC Site has a City of Banning General Plan Land Use Designation and Zoning Classification of Medium Density Residential (MDR) (0-10 DU/AC).
- **West:** Sunset Avenue is located west of the MSJC Site and to the west of Sunset Avenue is the Development Site. Currently, property west of Sunset Avenue and south of the Sun Lakes Boulevard Extension is within the City's SOI and will be annexed into the City upon approval of the Development Project.
- **East:** Land to the east of the MSJC Site is within the City but not developed and is occupied by natural vegetation and natural topography. A 0.11-acre area of land to the east of the MSJC Site is occupied by a well and water container that is fenced on its perimeter. Land to the east of the MSJC Site has a City of Banning General Plan and Zoning designation of Specific Plan. The approved Rancho San Gorgonio Specific Plan (RSG SP or RSG site) encompasses 831 acres and envisions the creation of a master planned community offering up to 3,385 residential units, as well as commercial uses, public facility, school, and public open space uses.
- **South:** Land to the south of the MSJC Site within the City is undeveloped and is occupied by natural vegetation and natural topography. This area is General Plan designated and zoned Specific Plan.

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<sup>6</sup> APNs: 537-140-004, 537-140-006 through -012, 537-150-001, 537-150-003 and -004, 537-150-008, and 537-140-001 through -003\*. (\* = developed areas of the MSJC Site.)



The natural drainage of Pershing Creek is also located south of the MSJC Site, within the approved RSG SP.

The existing land use patterns on the MSJC Site and adjacent properties are depicted on **Figure 3-4**.

### 5.3.3 Existing Land Use Entitlements and Proposed Actions

The MSJC Site is owned by the Mt. San Jacinto College (MSJC) – Community College District (MSJCCD) and serves as a satellite campus occupied by the MSJCCD’s Beaumont Middle College High School which serves underrepresented students and is designed to raise graduation rates and prepare students for transfer to 4-year colleges or obtain an associate degree. The current campus facilities comprising one administration building, two classroom buildings, and one ancillary building, and surface parking are located on three parcels collectively encompassing 8.3 acres<sup>7</sup>. The MSJC Site is zoned Public Facilities (PF) with the School (S) suffix, as identified through Chapter 17.16 of the BMC.

Areas within the MSJC Site, excluding the current developed MSJCCD facilities, encompass undeveloped land that generally slopes from northwest to southeast, following the typical drainage characteristics of the City. There are two drainage features that traverse the MSJC Site from the northwest, primarily from Westward and Sunset Avenues. Smith Creek is the primary drainage course that crosses the southern portion of the MSJC Site. The secondary, and smaller, drainage course enters the MSJC Site from a storm drain outlet located approximately 400 linear feet east of the intersection of Sunset and Westward Avenues and is tributary to Smith Creek.

While adoption of the MSJC Entitlements would rezone the MSJC Site for very high-density residential (VHDR) uses, no specific residential development is envisioned at this time. To ensure that the school facilities and any future residential developments are compatible, and to provide for the clustering allowed by the City’s Municipal Code, the City will establish a Specific Plan Zoning Overlay (“Overlay”) coterminous with the MSJC Site boundary. The Overlay would require preparation of a Specific Plan, pursuant to Chapter 17.96 of the Banning Municipal Code (BMC), prior to development of residential uses on the MSJC Site<sup>8</sup>. The Overlay will ensure that in the future, the MSJC Site is developed in a cohesive manner and accounting for the provision of adequate public infrastructure (i.e., roads, storm drain, sewer, potable and recycled water availability) and would provide the opportunity for clustering of residential development, and potential for mixed-use school facility and residential development on the property. Refer to **Section 3.5.6.1** of this EIR for further discussion of the proposed entitlements.

## 5.4 PROGRAMMATIC ANALYSIS

**Sections 4.1 through 4.20** of this EIR described the environmental setting of the Development Project and the impacts that are expected to result from implementation of the Development Project. Mitigation measures are proposed to reduce potential impacts where appropriate. The environmental issues addressed included:

<sup>7</sup> APNs 537-140-001 (1.5 acre), 537-140-002 (5.9 acres), and 537-140-003 (0.9 acre).

<sup>8</sup> The Overlay would not preclude the permitting of a maximum of one single-family-residential dwelling on each of the legal lots.



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|--|--------------------------------|
| 4.1 Aesthetics                         | 4.11 Land Use and Planning     |
| 4.2 Agriculture and Forestry Resources | 4.12 Mineral Resources         |
| 4.3 Air Quality                        | 4.13 Noise                     |
| 4.4 Biological Resources               | 4.14 Population and Housing    |
| 4.5 Cultural Resources                 | 4.15 Public Services           |
| 4.6 Energy                             | 4.16 Recreation                |
| 4.7 Geology and Soils                  | 4.17 Transportation            |
| 4.8 Greenhouse Gas Emissions           | 4.18 Tribal Cultural Resources |
| 4.9 Hazards and Hazardous Materials    | 4.19 Utilities and Services    |
| 4.10 Hydrology and Water Quality       | 4.20 Wildfire                  |

The following Programmatic Analysis includes a discussion of the existing environmental condition of the MSJC Site (relative to each of the Appendix G issues). As the laws, regulations and City policies previously presented in **Sections 4.1 through 4.20** would be applicable to actions related to the MSJC Site, they are referenced, but not listed in the following discussions. For each environmental issue, the same Appendix G thresholds have been applied at a Programmatic Level (refer to **Chapter 4.0** for a description of significance determinations). As there is no specific development planned for the MSJC Site at this time, the precise nature, location, and/or design of future residential uses is not known. As stated previously, the MSJC Entitlements merely relocate potential impacts from one property to an adjoining property to avoid the net loss of residential capacity and by definition would be only equal to or incrementally increase residential capacity or unit count in the City if an application for full buildout of the entitlement envelope is sought.<sup>9</sup> Impacts from the future development of the 1,146 units are already contemplated by the City’s planning documents. Any new impacts would generally be those that create site specific modifications where the focus of the analyses is on the specific location for the proposed use or the density of the use rather than the nature of the use. Where appropriate, the assessment will identify future actions that may be required prior to development of the MSJC Site. The cumulative effects resulting from implementation of the Development Project, the MSJC Entitlements (and future development on the MSJC Site), and other development activity in the City are provided in **Chapter 6.0** of this EIR. Relevant “Other CEQA Considerations” concerning the MSJC Entitlements are discussed in **Chapter 7.0** of this EIR.

#### 5.4.1 Aesthetics

This section considers the existing visual resource conditions of the MSJC Site and the surrounding area and evaluates the potential effects that may result from adoption of the MSJC Entitlements. This section addresses potential impacts to public views or scenic vistas, visual compatibility with existing uses, and light and glare impacts.

##### 5.4.1.1 Environmental Setting

Currently the MSJC San Gorgonio campus (campus) facilities are developed on three parcels, which collectively encompass 8.3 acres of the 49.2-acre MSJC Site. Campus facilities include one administration building, two classroom buildings, and one ancillary building. The single-story buildings

<sup>9</sup> The City is shifting capacity for 1,146 residential units to the MSJC Site, but with the ZC, the MSJC Entitlements would allow for up to 1,181 units on the MSJC Site, potentially resulting in up to 35 additional housing units more than currently permitted on the Development Site.



are utilitarian in design with little façade articulation and curvilinear roofs. The buildings are situated around a small plaza that includes shade structures and seating areas. Access to the 55-space parking area is provided via driveways to Westward and Sunset Avenues, which front the campus on the north and west, respectively. The sidewalk and campus landscaping along these frontages separate the parking area from adjacent streets. Other campus features include building and parking lot lighting, utility appurtenances, a bus shelter, and landscaping near the campus buildings. The campus buildings are located approximately 350 feet south of the existing single-family one- and two-story residences located north of Westward Avenue. Views of the campus and MSJC Site are visible from adjacent roadways, including Sunset and Westward Avenues. A sidewalk, electrical transmission lines, and street lighting are located along the north side of Westward Avenue. An approximately 6-foot-high block wall and a narrow parkway separate the residences to the north from sidewalk and Westward Avenue. Due to intervening development and landscaping, the campus facilities are not visible from I-10. Views of the MSJC Site from I-10 are partially obscured by existing development and landscaping.

The balance of the MSJC Site is undeveloped, with no existing structures, and vegetation that is a mosaic of Riversidean sage scrub, grassland, and water habitats. Pershing Creek crosses Sunset Avenue from the west, bordering the southern portion of the MSJC Site. Views of the existing campus and the MSJC Site are provided on **Figure 5-1: MSJC Site Views** and **Figure 5-2: MSJC Campus Views**.

#### *5.4.1.2 MSJC Site Entitlement Programmatic Impact Analysis*

Appendix G of the *CEQA Guidelines* provides the following thresholds related to aesthetics. A significant impact would occur if the MSJC Entitlements:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- 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; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The laws, regulations and City policies related to aesthetics have been previously identified in **Section 4.1.4** of this EIR and would apply to any development of the MSJC Site.



MSJC site view east from sunset south of MSCJ campus.



MSJC Site view southeast.



MSJC Site view southwest.



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MSJC campus view se from sunset-westward.



MSJC campus view south from westward.

FIGURE 5-2



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**Scenic Vistas.** Under CEQA, development has the potential to impact scenic vistas in two ways: 1) a development could physically alter a designated scenic resource (e.g., disturb or develop upon a ridgeline, hillside, or other designated scenic resource) or 2) could block a view corridor or “vista” of the scenic resource from a public viewing point. Important factors in determining whether a project would block scenic vistas include the project’s proposed height, mass, and location relative to surrounding land uses and travel corridors. The western foothills of the San Jacinto Mountains begin approximately 1.3 miles south of the southern portion of the MSJC Site; however, the City has not designated these mountain ranges or foothills as scenic vistas. The placement of residential structures on the MSJC Site will alter views of the San Jacinto Mountains from public spaces, but the extent of any such alternation of views will be determined based on the location, orientation, and height/mass of future structures.

With respect to ability to block a scenic vista, the MSJC Entitlements do not propose any development on the MSJC Site. While the type, quantity, location, configuration, orientation or design of development that may occur on the MSJC Site subsequent to the adoption of the entitlements, if any, is unknown, it is reasonable to expect that the VHDR uses would include the construction of individual and/or clusters of multi-storied buildings and site improvements (e.g., access roads, parking, sidewalks, lighting, enhanced landscaping, signage, utility infrastructure, etc.) necessary to support new development and that such improvements would be governed by a Specific Plan that would regulate the design of the uses.

The San Jacinto Mountains located approximately 1.3 miles south of the MSJC Site rise to a height of 10,804 feet amsl; therefore, it is not likely development of multi-story VHDR<sup>10</sup> uses would completely obstruct views of these mountains from adjacent roadways. It should be noted that MSJC Site frontage extends approximately 0.35 mile along Westward Avenue. The posted speed along this segment of Westward Avenue is 40 miles per hour (mph); therefore, any potential change in views to the San Jacinto Mountains would be available to travelers on Westward Avenue for approximately 30 seconds only. Once past the MSJC Site, the mountains would remain fully visible until reaching residential and school uses further east on Westward Avenue that partially block this view. Furthermore, it is reasonable to anticipate that future development on the MSJC Site would not form a wall-like barrier that blocks 100 percent of views from public roadways. As the overlay zone will require adoption of a specific plan to regulate the site plan and design of the uses, development under the MSJC Entitlements is expected to be well regulated and aesthetically consistent with the surrounding land uses. Due to the dramatic elevation of the mountains, the limited length of project frontage, limited duration of changed views, and adherence to future site-specific aesthetic guidelines, no significant impact to a scenic vista would result from adoption of the MSJC Entitlements or subsequent development of the MSJC Site.

**Scenic Highways.** According to the List of Eligible and Officially Designated State Scenic Highways published by Caltrans, State Route 243 (SR-243) from mile marker 0 to 28.2 is an Officially Designated State Scenic Highway. This portion of SR- 243 is located approximately 1.3 miles east of the MSJC Site. The MSJC Site is bounded by existing, approved, or proposed development on three sides (residential to the north, Rancho San Gorgonio to the south and east, and the Development Site to the west. Due

<sup>10</sup> City of Banning Municipal Code: 17.08.030, Table 17.08.030 (Residential Development Standards), maximum height of four stories (60 feet).



to intervening topography, distance, existing buildings, and vegetation (i.e., trees), the proposed MSJC Site is not directly visible from SR-243. As such, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway; therefore, no impact would occur.

**Visual Character.** The City has not identified the MSJC Site as a scenic resource; accordingly, the development of the MSJC Site will not physically alter a designated scenic resource. Because the MSJC Entitlements would not result in any physical development at this time, the aesthetic condition of the site would remain unchanged until such development is subsequently initiated by an interested party at some future point in time.

Changes in the visual character of the site resulting from subsequent development would require project-specific analysis to ensure the protection of any identified scenic resources and vistas and to maintain consistency with the City's desired aesthetic vision. A companion action to the MSJC Entitlements is the establishment of a Specific Plan Overlay for the MSJC Site. Specific plans are a mechanism to ensure that projects are developed in an organized and cohesive manner. Future development of the MSJC Site with a specific plan would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape plans. It is anticipated the review and approval of any future VHDR residential development on the MSJC Site would conform to the City standards and/or specific plan guidelines, including but not limited to site planning and grading, building design and architecture, wall articulation, colors and finish materials, project entry design treatments, parking lot lay-out and design, garage, garage doors, carport design, equipment screening, requirements for open space, landscaping, lighting intensity and fixture design, and security, in effect at the time of said review. Therefore, it is not anticipated that development of the MSJC Site would degrade the existing visual character or quality of public views of the Site and its surroundings and no significant impact would result.

**Light and Glare.** New development accommodated by the MSJC Entitlements would require a consistency review of regulations related to aesthetics, light, and glare contained in the Title 17 (Zoning Code) of the City's Municipal Code. Chapter 17.24.100 requires that exterior lighting be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located.

The MSJC Site is located approximately 39 miles from Palomar Observatory, within Zone B of Riverside County Ordinance 655, which establishes lighting standards to limit lighting impacts to Palomar Observatory. While the City has not adopted Ordinance 655, it is reasonable to anticipate applicable provisions of the City's Municipal and/or any future specific plan required for the MSJC Site will follow lighting guidelines to reduce nighttime light pollution; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not create a new source of substantial light and glare that would adversely affect day or nighttime views in the area and no significant impact would occur.



**Level of Significance Prior to Mitigation:** No Impact or Less than Significant Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact or Less than Significant Impact as specified above for each threshold of significance.

## 5.4.2 Agriculture and Forestry Resources

### 5.4.2.1 Environmental Setting

The MSJC Site was assessed to determine the presence of any farmland, agricultural land, or forestry/timberland resources, and whether development of the site would impact any present resources. According to the Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP) most of the MSJC Site (45.65 acres) is considered Farmland of Local Importance as defined by the FMMP discussed in detail in **Section 4.2.4.2**. The remaining portion (3.54 acres) of the MSJC Site is designated as "Urban/Built Up Land." No Williamson Act contracts currently exist on the site. The MSJC Site is not designated for agricultural use, nor is the site used for agricultural production. No forestry/timberland resources are located on the site.

As indicated in **Section 4.2** of the EIR, the City of Banning has a total of 4,382.43 acres of farmland which consists of 4,381.5 acres of Farmland of Local Importance, 0.86 acre of Prime Farmland, and 0.07 acre of Unique Farmland. Conversion of farmland of various types to other uses within the Banning area is an ongoing process that is expected to continue as marginal agricultural lands that are no longer in active agricultural use are developed pursuant to the City's General Plan and Zoning Code.

### 5.4.2.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to agricultural and forestry resources. A significant impact would occur if the MSJC Entitlements would:

- 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;
- Conflict with existing zoning for agricultural use or a Williamson Act contract;
- 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));
- Result in the loss of forest land or conversion of forest land to non-forest use; or
- 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 laws, regulations and City policies related to agricultural and forestry resources have been previously identified in **Section 4.2.4** of this EIR and would apply to any development of the MSJC Site.

**Convert Prime Farmland.** Most of the MSJC Site (45.65 acres) is considered Farmland of Local Importance. The remaining portion (3.54 acres) of the MSJC Site is designated as “Urban/Built Up Land.” No portion of the site is designated as Prime, Unique or Statewide Important Farmland. Therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of any such farmland and no impact would occur.

**Conflict with Williamson Act Land or Land Zoned for Agriculture.** No Williamson Act contracts currently exist on the site. The MSJC Site is designated “Public Facilities” under the City’s General Plan and zoning; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of any Williamson Act contract land or land zoned for agriculture, and no impact would occur.

**Conflict with Forest Land Zoning.** The MSJC Site is currently designated “Public Facilities” under the City’s General Plan and zoning; therefore, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the conversion of land zoned for forest land or timberland, and no impact would occur.

**Loss/Conversion of Forest Land.** The undeveloped portions of the MSJC Site harbor a mosaic of Riversidean sage scrub, grassland, and water habitats. As no forest land is located on site, adoption of the MSJC Entitlements or subsequent development of the MSJC Site would not result in the loss or conversion of forest land, and no impact would occur.

**Other Changes Resulting in Conversion of Land to Non-Agricultural or Non-Forestry Use.** Approval of the MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Although further development of the MSJC Site would convert land designated as Farmland of Local Importance to a non-agricultural use, and while historic aerial photographs (1936)<sup>11</sup> indicate a grove of trees along Westward Avenue, there is no evidence of any current or on-going agricultural activity on the MSJC Site.

Development of the MSJC Site, which is currently zoned for public facilities/educational uses, would not directly or indirectly catalyze the conversion of additional farmland to urban land uses. There are no forestry or timberland resources on, or in the vicinity of, the MSJC Site and development of the site would not contribute or catalyze the conversion of forest land to non-forest use; therefore, no impact would occur.

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<sup>11</sup> Brian F. Smith and Associates, Inc. 2022. *Desktop Analysis for the MSJC Transfer Site Project, Sunset Crossroads Development, City of Banning, Riverside County, California*. June 3.



**Level of Significance Prior to Mitigation:** No Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

### 5.4.3 Air Quality

#### 5.4.3.1 Environmental Setting

The MSJC Site is located in the South Coast Air Basin (Basin) and is under the jurisdiction of South Coast Air Quality Management District (SCAQMD). Background information about air pollutants and health effects, climate, meteorological conditions, and regional air quality conditions in the Basin and local air quality conditions in the vicinity of the MSJC and Development Sites is provided in **Section 4.3.1** of this EIR.

Ambient air quality data (refer to **Table 4.3.C**) show that CO, NO<sub>2</sub>, and PM<sub>2.5</sub> levels are below the applicable State and federal standards. The Basin is currently designated nonattainment for the federal and State standards for O<sub>3</sub> and PM<sub>2.5</sub>. In addition, the Basin is in nonattainment for the State PM<sub>10</sub> standard.

The Air Quality Element of the *City of Banning General Plan*<sup>12</sup> identifies goals, policies, and programs meant to balance the City's actions regarding land use, circulation and other regulatory actions and their associated potential effects on local and regional air quality. This element includes air quality policies intended to limit sources of air pollution and sensitive receptor exposure. The applicable policies are listed in **Section 4.3.4.3** of this EIR and would apply to development of the MSJC Site.

The nearest sensitive receptors to the MSJC Site are the residences located approximately 50 feet north of the MSJC Site beyond Westward Avenue and the existing MSJC campus facilities within the MSJC Site.

#### 5.4.3.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to air quality. A significant impact would occur if the MSJC Entitlements would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations;
- Create objectionable odors affecting a substantial number of people.

Because the MSJC Entitlements avoid the net loss of residential capacity and would not significantly increase housing capacity or units in the City if at all, the MSJC Entitlements are consistent with

<sup>12</sup> City of Banning. 2006. General Plan, Air Quality Element.



existing City planning documents, applicable State law, and the environmental baseline with only the location of the use changing. It is not anticipated that adoption or development of MSJC Entitlements would result in air quality impacts not already accounted for in City planning documents.

***Conflict/Obstruct Implementation of an AQMP.*** The SCAQMD is responsible for development of the regional Air Quality Management Plan (AQMP), which is a comprehensive program for compliance with all federal and State air quality planning requirements including California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). The most recently adopted AQMP is the 2022 AQMP (adopted December 2, 2022). The 2022 AQMP builds upon measures already in place from previous AQMPs and includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NOx technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other CAA measures to achieve the 2015 8-hour ozone standard. A project may be inconsistent with the AQMP if it would generate population, housing, or employment growth exceeding forecasts used in the development of the AQMP. The 2022 AQMP incorporates local general plans and the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) socioeconomic forecast projections of regional population, housing and employment growth.

The proposed entitlements would offset the reduction of residential capacity on the Development Site through creation of a residential capacity of not less than 1,146 residential units, and up to 1,181 units on the MSJC Site. As discussed in **Section 4.3.6** of this EIR, CEQA requires that Specific Plans be evaluated for consistency with the AQMP. SCAQMD's *CEQA Air Quality Handbook* provides the two criteria to determine whether a project would be consistent or in conflict with the AQMP. The first criterion requires a project determine whether the project would generate population and employment growth that would be inconsistent with SCAG growth forecasts. The approval of the MSJC Entitlements could result in a residential capacity of up to 1,181 units on the MSJC Site; however, there would be no significant increase in the inventory of residential units or population growth in the City resulting from adoption of the MSJC Entitlements or any subsequent development of residential uses on the MSJC Site that was not planned for and included as part of SCAG forecasts<sup>13</sup>. Because the MSJC Entitlements would not result in a significant increase in the inventory of residential units or population growth in the City, the MSJC Entitlements would be consistent with the first criterion identified in the SCAQMD's CEQA Handbook.

The second criterion requires a project to determine whether the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The MSJC Entitlements themselves do not include a physical project; therefore, no air pollutant emissions would result from these actions. Any subsequent residential development would

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<sup>13</sup> Based on a conservative occupancy factor of 2.5 person/unit cited in the City's *Urban Water Management Plan*, which is greater than the *Development Impact Fee Update Report* occupant density multiplier for multifamily uses of 2.07 residents per dwelling, the estimated population of development of up to 1,181 VHDR units on the MSJC Site could be up to 2,953 residents. The exact number of units and residents will be determined at the time a physical project is proposed to the City.





only incrementally increase the authorized maximum number of housing units (and by extension, potential future residents) in the City. Additionally, any future development proposals on the MSJC Site would be required to prepare a project-specific air quality analysis evaluating the proposal's potential to exceed established air quality thresholds. In the absence of project plans, future development on the MSJC Site may result in a significant impact.

***Cumulative Increase of Criteria Pollutants or Expose Sensitive Receptors to Pollution.*** The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. The Air Basin is currently designated as nonattainment for the federal and State standards for O<sub>3</sub> and PM<sub>2.5</sub>. In addition, the Basin is in nonattainment for the State PM<sub>10</sub> standard. The proposed MSJC Entitlement analysis is program-level in nature because specific information about the footprint of land use development, and the duration, frequency, and intensity of construction, potential overlap between construction activities, and operations on the MSJC Site is not available at this time. Therefore, total project emissions resulting from the development of residential uses on the MSJC Site cannot be accurately quantified at this time, and such a project-level analysis (including determining the level of significance) would be considered speculative.

During construction on the MSJC Site, short-term degradation of air quality may occur due to the release of particulate emissions generated by grading, paving, building, and other activities. Emissions from construction equipment would be expected and would include CO, NO<sub>x</sub>, VOCs, directly emitted particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), and Toxic Air Contaminants (TACs) such as diesel exhaust particulate matter. Without knowing the configuration of housing units on site and how they would be clustered, it would be speculative to estimate construction-related emissions. Long-term air pollutant emission for operational impacts include those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity), area sources (e.g., architectural coatings and the use of landscape maintenance equipment), and stationary sources would result from the occupation of any VHDR use developed on the MSJC Site. Receptors sensitive to air pollutants that may be generated during the construction or occupation of the MSJC Site include the residential properties located north of Westward Avenue and the existing MSJC campus facilities. The City's General Plan Air Quality Element, Policy 4 states, "Development Proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impact." The City has identified Program 4.A and 4.B to ensure development projects are consistent with this policy:

**Program 4.A:** Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.

**Program 4.B:** Provide consistent and effective code enforcement of construction and grading activities and offroad vehicle use to assure that the impacts of blowing sand and fugitive dust emissions are minimized.



The SCAQMD develops rules and regulations, establishes permitting requirements, inspects emissions sources, and enforces such measures. These Rules have been previously summarized in **Section 4.3.4.3** of this EIR. Any construction for new development occurring on the MSJC Site would be required to conform to applicable SCAQMD rules, including Rule 401 (Visible Emissions), Rule 402 (Nuisance), Rule 403 (Fugitive Dust), and Rule 1113 (Architectural Coatings) to reduce emissions, dust, and volatile organic compounds during project construction, as well as other applicable rules governing air pollutant emissions. New development would be required to implement additional mitigation if project-specific analysis identifies air quality impacts above the baseline of 1,146 VHDR units if such impacts were not previously considered, as described by General Plan Policy 4. Operational impacts would be addressed by General Plan policies, Banning Municipal Code regulations, and other regulations and standards that govern air quality in Banning. Once the specific plan for the MSJC Site has been prepared, the initial study for the proposed specific plan would need to determine the extent to which this programmatic analysis needs to be supplemented by an environmental document, and whether an air quality analysis needs to be prepared for development of the MSJC Site to quantify all construction and operational emissions, and whether other mitigation would be identified to reduce the significance of any air pollutant that exceeds the construction and/or operational significance thresholds established by the SCAQMD.

The transfer of residential capacity from the Development Site to the MSJC Site does not represent an increase in number of residential units or increase in population not previously accounted for in the City's General Plan if the proposed implementation of the MSJC Entitlements is limited to 1,146 units on which SCAG population estimates and the 2022 AQMP is based. If maximum site build out of 1,181 VHDR units is proposed, the City would need to determine if the additional 35 units remains consistent with SCAG population estimates at that time. Regardless, it is reasonable to estimate that these MSJC Entitlements themselves would not compromise or conflict with the AQMP, or jeopardize attainment of the air quality levels identified in the AQMP. Future development of VHDR units on the MSJC Site may conflict with the AQMP; however, as part of the development process, future proposals on the MSJC Site would be required to prepare a project-specific air quality analysis evaluating the proposal's potential to exceed established air quality thresholds. As the City's General Plan includes a mechanism requiring project-specific air quality analysis, and because the proposed MSJC Entitlements themselves do not include a physical project that would generate air pollutants, the proposed MSJC Entitlements would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment at this time, nor would expose sensitive receptors to substantial pollutant concentrations, therefore, no impact would occur.

**Objectionable Odors.** Residential uses north of the MSJC Site and MSJC campus facilities would be exposed to odors and emissions resulting from the development of any use on the MSJC Site. Heavy-duty equipment in the MSJC Site during construction would emit odors, primarily from the vendor trucks and heavy-duty off-road equipment exhaust. This odor may be noticeable to nearby sensitive receptors; however, these odors would be expected of any construction and not necessarily be objectionable. These odors would also dissipate quickly beyond 300 feet from a source and would be temporary in nature. Additionally, the construction-produced odors would cease to occur after individual construction is completed.



Development on the MSJC Site would include VHDR units that would not be a significant source of odor emissions. City and County regulations require trash storage areas for multi-family residential to be in an enclosed area to limit air circulation, and through adherence to City and County regulations, odors from the trash storage areas would be less than significant. Furthermore, compliance with SCAQMD Rule 403 (construction), Rule 402 (operation), and City regulations (including Municipal Code Chapter 8.48, Nuisances; construction and operation) would apply to any development occurring on the MSJC Site, reducing the significance of such impacts.

**Level of Significance Prior to Mitigation:** Less than Significant for MSJC Entitlements themselves, but Potentially Significant for subsequent development of VHDR on the MSJC Site.

**Regulatory Compliance Measures and Mitigation Measures: Regulatory Compliance Measures (RCMs) AQ-1 through AQ-4** pertaining to air quality are applicable to the MSJC Entitlements. These measures would be equally applicable to any future development on the MSJC Site.

**RCM AQ-1**

**SCAQMD Rule 403.** During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventative measures by using the following procedures, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 during construction. The applicable Rule 403 measures are as follows:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily (locations where grading is to occur shall be thoroughly watered prior to earthmoving).
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
- Pave construction access roads at least 100 feet (30 meters) onto the site from the main road.
- Reduce traffic speeds on all unpaved roads to 15 mph or less.

**RCM AQ-2**

All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.



### RCM AQ-3

Prior to approval of the Project plans and specifications, the City shall confirm that the construction bid packages specify:

- Contractors shall use high-volume low-pressure paint applicators with a minimum transfer efficiency of at least 50 percent;
- Coatings and solvents that will be utilized have a volatile organic compound content lower than required under SCAQMD Rule 1113; and
- To the extent feasible, construction/building materials shall be composed of pre-painted materials.

### RCM AQ-4

The Project shall comply with SCAQMD Rule 402. Rule 402 prohibits the discharge of air contaminants or other material from any type of operations, which can cause nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort or repose of any such persons, or the public.

**Level of Significance After Mitigation:** Less than Significant for MSJC Entitlements. While the City's General Plan includes a mechanism requiring project-specific air quality analysis, the results of such project-specific analysis as well as the effects associated with VHDR development on the MSJC Site, and/or the effectiveness of the regulatory compliance measures referenced above, cannot be determined at this time. In the absence of such assessment, potential air quality impacts resulting from future development of the MSJC Site may be significant.

## 5.4.4 Biological Resources

### 5.4.4.1 Environmental Setting

Due to similar topographic, hydrologic, and vegetative conditions, the biological condition of the MSJC Site is generally similar to that identified for the Development Site (located immediately to the west). Currently, campus facilities are developed on three parcels, which collectively encompass 8.3 acres of the 49.2-acre MSJC Site. Campus facilities include one administration building, two classroom buildings, and one ancillary building. The remaining portion of the MSJC Site is vegetated with a mosaic of Riversidean sage scrub, grassland, and water habitats generally sloping from northwest to southeast, following the typical drainage characteristics of the City. There are two drainage features that traverse the MSJC Site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. Due to the meandering course of this drainage, the MSJC Site encroaches onto this feature. Per the EIR prepared for the RSG project, portions of Pershing Creek were determined to be subject to California Department of Fish and Wildlife (CDFW) jurisdiction.<sup>14</sup> Because the current limits of potential CDFW jurisdiction on the MSJC Site have not been identified and a specific development plan has not been developed, it is uncertain if subsequent development on the MSJC Site would impact the aforementioned drainage. A smaller, secondary drainage course enters the property from a storm drain outlet located approximately 400 linear feet

<sup>14</sup> Placeworks. 2016. Rancho San Gorgonio Specific Plan, Draft EIR, Figures 5.4-6 and 5.4-7. June.



east of the intersection of Sunset and Westward Avenues and joins Pershing Creek approximately 700 feet south of the MSJC Site.

While the MSJC Entitlements would rezone the MSJC Site to the VHDR zone, no residential development is envisioned at this time. A "desktop reconnaissance" was conducted to determine requirements for future development of the MSJC Site<sup>15</sup> (see **Appendix D-9** of this EIR). As the MSJC Entitlements do not envision ground disturbance or development of the MSJC Site, conducting field surveys is not appropriate at this time. Like the Development Site, the MSJC Site is located within Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSJC Site does not lie within any Criteria Cells<sup>16</sup> or Public Quasi-Public Lands (PQP).

As with the Development Site, a review of the MSJC Site using the MSHCP Conservation Summary Generator indicates that the MSJC Site is not within designated survey areas for Criteria Area Plant Species or Amphibians but that it is within designated survey areas for the following species:

- **Burrowing Owl:** The MSJC Site is located within the MSHCP designated burrowing owl (*Athene cunicularia*) survey area. Mapped vegetation in the area shows most of the site is non-native grassland and therefore potentially provides suitable habitat on site for burrowing owl.
- **Narrow Endemic Plants:** The MSJC Site is located within a MSHCP designated Narrow Endemic Plant Species Survey Area (NEPSSA) for two species: Marvin's (Yucaipa) onion (*Allium marvinii*) and many-stemmed dudleya (*Dudleya multicaulis*). Vegetation communities mapped virtually by the Western Riverside County Regional Conservation Authority (RCA) (2021) within the MSJC Site includes Riversidean sage scrub habitat and soils include sandy loam both attributes potentially provide suitable habitat for these two species.

The MSHCP Information Tool indicates that virtually the entire MSJC Site lies within the NEPSSA for Marvin's (Yucaipa) onion and many stemmed dudleya. Although these plant species have an affinity for clay soils, they are not clay obligates. Suitable habitat and/or soils on site are consistent for both plants to occur, although there are no many-stemmed dudleya records in the area. Historic records for the Marvin's onion occur less than a mile from the MSJC Site on soils not mapped as clay. Neither species has been observed during past survey efforts on neighboring properties.

- **Los Angeles Pocket Mouse:** A portion of the MSJC Site is located within the survey area for Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). This species is classified as a 'Species of Special Concern.' It prefers sandy soils for burrowing within coastal sage scrub and similar habitats in Los Angeles, Riverside, and San Bernardino Counties. It is nocturnal and active late spring to early fall. Suitable conditions for the species appear to be present on site.

<sup>15</sup> Wood Environment and Infrastructure Solutions, Inc. 2021. *Desktop Biological Resources Assessment for the Residential Transfer Site (MSJC Site)*. July 8.

<sup>16</sup> Series of grids utilized by the Regional Conservation Authority to organize and track development and conservation within the criteria area. The cells are located within areas of western Riverside County in which land can be acquired for the MSHCP.



- **Riparian Birds:** Existing drainage features on site may potentially provide habitat for riparian bird species such as the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax trailii extimus*), or the yellow-billed cuckoo (*Coccyzus americanus*).
- **Fairy Shrimp:** Based on the "desktop reconnaissance" conducted for the MSJC Site, a habitat assessment and focused survey(s) for fairy shrimp will need to be conducted during wet season surveys initiated at first storm of fall season and during dry season surveys on pools identified during the wet season to determine the suitability of habitat found on the site. Surveys will need to be conducted at the beginning of the development planning for the residential units on the MSJC Site.
- **Nesting/Migratory Birds:** The MSJC Site contains suitable nesting habitat for nesting songbirds and raptors protected under the Migratory Bird Treaty Act (MBTA) and State code. These laws protect most nesting native bird species, both directly and indirectly, and impacts can be minimized or eliminated by conducting work activities outside of the breeding season.

#### 5.4.4.2 MSJC Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to biological resources. A significant impact would occur if the MSJC Entitlements would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The laws, regulations and City policies related to biological resources have been previously identified in **Section 4.4.4** of this EIR and would apply to any development of the MSJC Site.



The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan, as required by the Overlay. Per the requirements established in the MSHCP, the MSJC Site is located in an area that potentially hosts MSHCP-protected biological resources; therefore, removal of vegetation, ground disturbance, landform modification, or other activities associated with subsequent development and the long-term effects associated with the development of VHDR uses, has the potential to adversely impact protected biological resources on site. Because the potential impacts of the MSJC Entitlements on biological resources that may exist on the MSJC Site are necessarily site specific, a more thorough assessment of potential biological impacts will need to occur in the future if a specific residential development plan is proposed.

As the MSJC Site has not been formally or thoroughly surveyed, development-specific biological resource survey(s) are required prior to any ground disturbance. As the City is a permittee under the MSHCP, there are requirements for which the City must comply concerning biological species. Mitigation Measures in the General Plan EIR<sup>17</sup> require compliance with MSHCP policies, including the conduct of species-specific focused surveys (as appropriate) for burrowing owl, narrow endemic plants, the Los Angeles pocket mouse and riparian communities/drainages. The specifics of potential biological resource impacts and level of required mitigation, if any, will not be known until required site surveys are conducted in connection with the specific plan to be developed for residential units on the MSJC Site. Therefore, the measures identified below are applicable to any development of the MSJC Site in order to determine potential impacts and identify applicable mitigation measures needed for development of the MSJC Site.

**Level of Significance Prior to Mitigation:** The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to biological resources from adoption of these entitlements would be less than significant. Subsequent development of the MSJC Site with VHDR uses could potentially significantly impact biological resources; therefore, implementation of the following mitigation measures would reduce the potential impacts to biological resources resulting from subsequent development on the MSJC Site to a **less than significant level**.

**MSJC Site MM BIO-1**

Prior to issuance of grading permits for any development on the MSJC Site, the applicant of said development shall complete a habitat assessment for the Project, and provide evidence to the City of the same for review and approval. The habitat assessment shall provide a project-level review of current MSJC Site conditions, review of appropriate literature (including applicable MSHCP survey requirements), and a comprehensive pedestrian survey of the Project area. The Habitat Assessment shall identify any required focused survey(s), the timing of such surveys, and other recommendations required to prevent adverse impact to protected biological resources.

<sup>17</sup> City of Banning. 2005. *Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance*, Section III(F)(3).



#### **MSJC Site MM BIO-2**

Pursuant to results of the Habitat Assessment required in **MSJC Site MM BIO-1** and other applicable MSHCP requirements, prior to the issuance of grading permits for any development on the MSJC Site, the applicant of said development shall conduct and complete focused biological resource survey(s) and provide evidence to the City of the same for review and approval. These surveys shall include, but may not be limited to the following:

- Burrowing Owl survey
- Narrow Endemic Plant Survey
- Small Mammal Trapping Survey
- Fairy-Shrimp (wet and dry season)
- Jurisdictional Delineation
- MSHCP Consistency Analysis
- Determination of Biological Equivalent or Superior Preservation Report
- Based on the foregoing, avoidance, mitigation, and/or compliance measures

#### **MSJC Site MM BIO-3**

Prior to the issuance of grading permits for any development on the MSJC Site, the applicant of said development shall provide evidence to the City, that the avoidance, mitigation and/or compliance measure identified in the focused biological resource survey(s) report(s) required under **MSJC Site MM BIO-2** have been incorporated into project design and/or satisfied pursuant to review of the Regional Conservation Authority.

#### **MSJC Site MM BIO-4**

The project applicant for development of the MSJC Site shall obtain required permits from the US Army Corps of Engineers, California Department of Fish and Wildlife, and/or the Regional Water Quality Control Board that incorporate permitting requirements related to any on-site jurisdictional feature, water, or waterway into project design and/or completed to the satisfaction (as applicable) of each agency, and provide evidence to the City of compliance with applicable permits and mitigation requirements prior to the issuance of grading permits for any development on the MSJC Site.

#### **MSJC Site MM BIO-5**

Prior to the issuance of grading permits for any development on the MSJC Site, the applicant for said development shall provide evidence to the City that on-site drainages have been avoided and/or impacts to drainage features have been minimized to the extent feasible. Impacts to any jurisdictional resource shall be mitigated pursuant to **MSJC Site MM BIO-4**. Furthermore, the applicant shall further provide evidence to the City that appropriate buffer area(s) (as defined by the City) have been established to appropriately separate





on-site drainage features from any subsequent development that may occur on-site.

**Level of Significance After Mitigation:** Less than Significant.

## 5.4.5 Cultural Resources

### 5.4.5.1 Environmental Setting

The results of the records search conducted for the Development Project identified 68 previously recorded resources (one prehistoric isolate and 67 historic sites, buildings, and features) within one mile of the Development Site. Of the resources identified within the records search, one, P-33-009176, is located within the MSJC Site, at the southeast corner of Sunset and Westward Avenues. This site (P-33-009176 originally contained historic buildings associated with a ranch complex tied to the Barker Ranch, which extended across Sunset Avenue into the Development Site.

Collectively, the larger complex of features on both sides of Sunset Avenue was regrouped in 2004 under the site number P-33-013778. The resource, along with a collection of adjacent water control features (RIV-7544), was evaluated and determined to not be eligible for the California Register of Historical Resources or the National Register of Historic Places. The current Cultural Resources Assessment prepared for the Development Site has confirmed the previous evaluations of both resources. Additionally, all standing structures associated with P-33-013778/P-33-009176 within the MSJC Site were demolished in 2010 for the construction of the MSJC campus.

Charles Omar Barker was instrumental in the development of the city of Banning in addition to raising cattle, planting fruit trees, and eventually forming the Banning Canning Company and the Banning Almond Growers Association. The 1886 Bureau of Land Management General Land Office Plat map for the region shows buildings in the location of P-33-013778/P-33-009176. The 1936 aerial photograph also shows buildings in this area along with groves of trees and potential ancillary structures within other areas of the MSJC Site, primarily along Westward Avenue. Given the association of P-33-013778/P-33-009176 with Charles Omar Barker, there is potential for previously unrecorded historic resources tied to the agricultural development of the region such as the fruit/almond industry that dominated the City in the early twentieth century. Further, although the records search did not identify many prehistoric resources in proximity to the MSJC Site, the 1856 plat map shows a north/south-trending trail identified as an "Indian Trail" situated approximately 0.75 mile to the east. In addition, the presence of multiple natural sources of water in proximity to the MSJC Site, including Pershing Creek, elevate the potential for prehistoric resources in the area.

According to a communication from the Morongo Band of Mission Indians, the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Tribe. Because the MSJC Entitlements only propose changes to City Land Use Maps and no construction or physical alterations are proposed at this time, the Tribe offered no comments but reserved its rights under SB 18 and AB 52 to engage in additional review and consultation at such time a physical project is proposed.



#### 5.4.5.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to cultural resources. A significant impact would occur if the MSJC Entitlements:

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

The laws, regulations and City policies related to cultural resources have been previously identified in **Section 4.5.4** of this EIR and would apply to any development of the MSJC Site.

A “desktop analysis” was conducted to determine requirements for future development of the MSJC Site<sup>18</sup> (see **Appendix E-2** of this EIR). The records search compiled from the Eastern Information Center at the University of California, Riverside prepared for the Development Site was used to identify any previously recorded cultural resources within or near the MSJC Site. The records search identified three previous studies that explicitly included the MSJC Site; however, portions of the MSJC Site have been included in surveys conducted for other projects<sup>19</sup>. None of the previous studies that included the MSJC Site identified any cultural resources within the site; however, the studies were conducted between 7 and 40 years ago and would not be considered current for evaluating potential impacts to resources within the MSJC Site.

**Historic and Archaeological Resources.** The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. The potential impacts of the MSJC Entitlements on cultural resources that may exist on the MSJC Site are necessarily site specific. Therefore, a more thorough assessment of potential impacts would occur in the future if a physical development plan is proposed. There is no evidence of current or past structures on the undeveloped portions of the MSJC Site. As the MSJC Site has not been formally or thoroughly surveyed, and because the previous studies that include the property are outdated, it is speculative at this time to determine if any significant historic or archaeological material is located within the limits of the MSJC Site.

<sup>18</sup> Brian F. Smith and Associates, Inc. 2022. *Desktop Analysis for the MSJC Transfer Site Project, Sunset Crossroads Development, City of Banning, Riverside County, California*. June 3. This desktop analysis did not include a records search specific to the MSJC Site.

<sup>19</sup> Chace and Laylander 1980; Tang et al. 2004; and Brunzell 2015 (as cited in Brian F. Smith and Associates, Inc. 2022. *Desktop Analysis for the MSJC Transfer Site Project, Sunset Crossroads Development, City of Banning, Riverside County, California*). The Chace and Laylander (1980) study included a survey of the western half of the MSJC Site excluding the far northwestern parcel. The Tang et al. (2004) study covered an area of 37 square miles for inclusion within the City of Banning General Plan. As such, the entirety of the MSJC Site was included in this study. However, the study did not include any formal surveys and primarily consisted of an inventory of already recorded resources and a cultural resource sensitivity assessment. Finally, the Brunzell (2015) study was conducted in support of the neighboring Rancho San Gorgonio Specific Plan. The Brunzell (2015) study only appears to have included a small portion of the southeastern area of the MSJC Site.



Despite this, due to identification of elements associated with Barker Ranch and other factors, future development of the MSJC Site has the potential to affect previously undetected historic and/or archaeological material. If such material were discovered, this would be a significant impact requiring mitigation.

A future development-specific cultural resources survey and preparation of a report is required prior to any ground disturbance, as well as consultation with the Morongo Band of Mission Indians under SB 18 and AB 52. These requirements are mirrored in the City's General Plan EIR,<sup>20</sup> "...All development or land use proposals, which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase 1 studies and appropriate mitigation measures shall be incorporated into project approvals." Adherence to the mitigation measures identified below would serve to identify the existence of potential cultural resources and reduce any potential impacts to historic and archaeological resources to a less than significant level.

**Human Remains.** While there is no evidence the MSJC Site has been used for human burials, the potential for the inadvertent discovery of human burials during ground disturbance activities cannot be fully dismissed. The disposition of human remains is governed by Health and Safety Code Section 7050.5 and Public Resource Code (PRC) Sections 5097.94 and 5097.98. In the event human remains are encountered during subsequent development of the MSJC Site, the Riverside County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the coroner to be Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) within 24 hours. The NAHC, pursuant to PRC Section 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native Americans so they can inspect the burial site and make recommendations for treatment of the remains and associated grave goods. Adherence to applicable provisions of existing law governing the treatment of human remains and the mitigation identified below would ensure impacts related to this issue remain less than significant.

**Level of Significance Prior to Mitigation:** The MSJC Entitlements themselves would not result in a physical disturbance; therefore, the impacts to cultural resources resulting from these actions would be less than significant. Subsequent development of the MSJC Site with VHDR uses could potentially significantly impact undiscovered historic and archaeological resources.

Implementation of the following mitigation would reduce the potential impacts to archaeological, cultural, and historical resources on the MSJC Site to a less than significant level:

**MSJC Site MM CUL-1** The applicant shall prepare and submit a Phase 1 Cultural Resources Assessment to the City for review and approval before issuance of grading permits for any development on the MSJC Site. The Cultural Resources Assessment shall be prepared in accordance with applicable requirements of the California Environmental Quality Act (CEQA) by a Secretary of the Interior (SOI) qualified professional and

<sup>20</sup> City of Banning. 2005. *Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance*, Section III(G)(3).



shall include, but not be limited to, (1) an updated archaeological records search, (2) an intensive pedestrian survey, (3) an evaluation of significance of any cultural resources identified, and (4) the preparation of a Phase I report of the findings with recommendation and potential mitigation.

The City has identified standard mitigation measures to address potential impacts to archaeological/historic resources that may be identified during a site-specific Cultural Resources Assessment. Depending on the outcome of the site-specific Cultural Resources Assessment and as required by the City, some or all of mitigation measures **MM CUL-1 through CUL-6** identified in **Section 4.5.6.1** of this EIR shall be appropriately applied to any future development of the MSJC Site.

**Level of Significance After Mitigation:** Less than Significant.

## 5.4.6 Energy

### 5.4.6.1 Environmental Setting

The MSJC Site includes the MSJC campus facilities, which are located in the northwest corner of the 49.2-acre site. No other developed structures or facilities are located within the limits of the MSJC Site; therefore, current demand for electricity and natural gas originates only from MSJC campus uses and the amount of energy use by these facilities is unknown at this time.

As discussed in **Section 4.6** of this EIR, electricity service in the City is provided by the City of Banning (Banning Electric Utility [BEU]). BEU is a not-for-profit, publicly owned retail electrical energy distribution utility with six distribution substations and 134 miles of power lines serving nearly 13,500 households and businesses. The BEU has historically obtained electricity from a variety of sources (e.g., San Juan Generating Station Unit 3 and the Palo Verde Nuclear Generating Station), has direct entitlements to hydroelectric output from Hoover Dam, and an interest in power purchase agreements between the Southern California Public Power Authority (SCPPA) and geothermal energy facilities in Imperial County. Additionally, BEU makes purchases in the wholesale market to cover its summer peaking and capacity requirements. As supply inventory changes (e.g., shutdown/decommissioning of facilities), the BEU/City of Banning adjusts its energy supply accordingly. For example, prior to the closure of San Juan Unit 3, BEU/City of Banning contracted for a 9-megawatt (MW) share of the Puente Hills Landfill Gas-to-Energy Facility (“Puente Hills Landfill Project”), and an 8 MW share of the Astoria 2 Solar Project. Contracts on these sources run through 2030 and 2031, respectively. Beginning in January 2022 for a term of 20 years, the BEU receives energy from COSO Geothermal Holdings.<sup>21</sup>

<sup>21</sup> The Southern California Public Power Authority (SCPPA) on behalf of the Cities of Banning, Pasadena, and Riverside, entered into a power purchase agreement with Coso Geothermal Power Holdings for up to 55 MW of generating capacity from three different facilities. Currently, the Cities of Banning and Riverside take 45 and 55 percent output, respectively. In year 6 of the agreement, the City of Pasadena will begin taking energy from the facilities with a 21% participant share.



Senate Bill 100 (SB 100) raised California’s Renewable Portfolio Standard (RPS) requirement targets to 50 percent by December 31, 2026; 60 percent by December 31, 2030; and requires all the State’s electricity to be from carbon free resources by 2045. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible non-renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030. Based on its mix of generation sources, BEU’s current portfolio is 75 percent renewable. While changes to generation sources are expected to decrease the renewable portfolio to 70 percent in 2027, the City’s energy portfolio will still satisfy the RPS target for 2030 mandated under SB 100.

As demonstrated by past operations, BEU continually evaluates the demand for energy in its service area, its portfolio of energy resources, and energy supply opportunities, adjusting as needed to meet the energy needs of its customers. It is reasonable to conclude the BEU will continue this practice and that any increased energy demand from the future development of the MSJC Entitlements and other uses will be adequately and efficiently met. As detailed in **Section 4.6** of this EIR, total electricity consumption in the BEU service area in 2022 was 151.5 gigawatt-hours (GWh) (47.4 GWh for the commercial sector).<sup>22</sup> In Riverside County, total electricity consumption in 2022 was 17,780.6 GWh (9,060.6 GWh for the residential sector and 8,720.0 GWh for the non-residential sector).<sup>23</sup>

The Southern California Gas Company (SoCalGas) is the natural gas service provider for the MSJC Site. SoCalGas provides natural gas to approximately 21.8 million people in a 24,000 sq mi service area throughout Central and Southern California, from Visalia to the Mexican border. As referenced in **Section 4.6** of this EIR, total natural gas consumption in the SoCalGas service area in 2022 was 5,026.5 million therms (867.5 million therms for the commercial sector).<sup>24</sup> Total natural gas consumption in Riverside County in 2022 was 431.1 million therms (284.1 million therms for the residential sector and 146.9 therms for the non-residential sector). Currently, the MSJC Site generates the need for transportation energy (fuel consumption) to an unknown extent, but it is anticipated that will increase if up to 1,181 residential units are built and occupied. While gasoline consumption has been declining since 2008, it is still by far the dominant fuel, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles. Based on fuel consumption obtained from CARB’s California Emissions Factor Model, Version 2021 (EMFAC2021), approximately 915.5 million gallons of gasoline and approximately 321.6 million gallons of diesel fuel will be consumed from vehicle travel in Riverside County in 2023. It is anticipated that vehicles will become increasingly more fuel efficient and an increasing number of electric vehicles will be on the road in the next 12-20 years. Accordingly, motor vehicles will be more fuel efficient by the time housing is built on the MSJC Site.

<sup>22</sup> California Energy Commission (CEC). 2023a. Electricity Consumption by Entity. Website: [Electricity Consumption by Entity \(ca.gov\)](#) (accessed August 31, 2023).

<sup>23</sup> California Energy Commission (CEC). 2023b. Electricity Consumption by County. Website: [Electricity Consumption by County \(ca.gov\)](#) (accessed August 31, 2023).

<sup>24</sup> California Energy Commission (CEC). 2022d. Gas Consumption by Entity. Website: [Gas Consumption by Entity \(ca.gov\)](#) (accessed September 2023).



#### 5.4.6.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to energy resources. A significant impact would occur if the MSJC Entitlements:

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

The laws, regulations and City policies related to energy resources have been previously identified in **Section 4.6.4** of this EIR and would apply to any development of the MSJC Site.

**Wasteful, Inefficient, or Unnecessary Energy Use.** The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time. Therefore, the proposed MSJC Entitlements themselves would not generate any demand for energy resources. The MSJC Entitlements avoid the net loss of residential capacity and do not significantly increase residential capacity or units in the City, if at all. The MSJC Entitlements shift the entitlement for 1,146 residential units from the Development Site to the MSJC Site. Because the MSJC Entitlements would allow for up to 1,181 VHDR units on the MSJC Site, it is possible that 35 more units than currently planned for in the City could be added. Nevertheless, it is not anticipated that physical development of housing units on the site would increase impacts to energy resources or result in the inefficient use of energy resources differently than accounted for in current City planning documents.

While the City envisioned development of the MSJC Site through its assignment of the PF-S (Public Facilities-School) designation (which allows public and private schools at all levels, including colleges), the landform modification and the introduction of VHDR buildings and ancillary features to the currently undeveloped site represents a potential change in the amount and type of energy that may be required to construct and occupy the site. While the MSJC Entitlements avoid the net loss of residential capacity and likely will not result in an increase in energy use in the City above that already anticipated in City planning documents, the use and efficiency of energy can be influenced by site-specific development. A site-specific analysis may be appropriate if a specific design for development of residential units is proposed.

Any construction on the MSJC Site would require energy for the transport of building materials, preparation of the site for grading activities, utility installation, paving, and building construction and architectural coating, the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles. Operational energy use is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with a project. Any development of the MSJC Site as VHDR uses would increase the demand for vehicle fuels, electricity and natural gas over current uses. Future use of the MSJC Site would incorporate the most current energy efficient/energy conserving designs; adhere to vehicle fuel efficiency requirements; and install the fixtures, features and facilities meeting the energy efficiency requirements in effect at the time of development. The 2022 Energy Code establishes specifications related to electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards. Since January 1, 2023, projects that apply for building permits must comply



with the 2022 Energy Code. As such, the MSJC Entitlements would be subject to the 2022 standards or later, as applicable. Compliance with the standards would be confirmed by the City during the plan check process prior to permitting. It is anticipated that energy conserving requirements in the Building Code will continue to increase, thereby increasing energy efficiency for residential uses. Adherence to established standards related to fuel efficiency, the incorporation of energy conservation measures into project design, and installation of energy efficient features is a required of any development in the City. Whether and how additional energy efficiencies would be incorporated into the design and operation of the VHDR units is unknown and speculative. Minimally, it is reasonable to estimate that future development on the MSJC Site would not use energy in a wasteful, inefficient, or wasteful manner; therefore, no significant impact would occur.

***Conflict with Renewable Energy/Energy Efficiency Plan.*** California has adopted two sets of codes that impose energy efficiency requirements. California Code Title 24, Part 6 (also referred to as the California Energy Code), was promulgated by the CEC in 1978 and established a building code for Building Energy Efficiency Standards for Residential and Nonresidential Buildings in order to reduce energy consumption. The standards are updated every three years to incorporate new energy efficient technologies. The 2019 Title 24, Part 6 standards require solar PV systems for new homes, establish requirements for newly constructed healthcare facilities, encourage demand responsive technologies for residential buildings, and update indoor and outdoor lighting standards for nonresidential buildings. The most recent update to the California Energy Code was in 2022. Buildings whose permit applications are submitted after January 1, 2023 must comply with the 2022 Energy Code. Revisions to this code will result in greater energy efficiency. It is anticipated that future codes will impose requirements that will further increase energy efficiency in buildings. The building efficiency standards are enforced through the local building permit process. Local government agencies may adopt and enforce energy standards for new buildings, provided these standards meet or exceed those provided in CCR Title 24.

In 2010, the California Building Standards Commission (CBSC) adopted Part 11 of the Title 24 Building Energy Efficiency Standards, referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is updated on a regular basis, and the 2022 update became effective on January 1, 2023. The CALGreen Code establishes mandatory measures for residential and non-residential building construction and encourages sustainable construction practices in the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. Although the CALGreen Code was adopted as part of the State's efforts to reduce greenhouse gas (GHG) emissions, the CALGreen Code standards have co-benefits of reducing energy consumption from residential and non-residential buildings. The 2022 CALGreen updates include specific requirements for the



installation of EV charging facilities.<sup>25</sup> SB 100 raised California’s RPS requirement targets to 50 percent renewable by December 31, 2026; 60 percent by December 31, 2030; and requires all the State’s electricity to be from carbon free resources by 2045. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030.

As established in Chapter 15.08.010 of the City’s Municipal Code, the City has adopted the CBC and CalGreen (and other relevant codes) “...for the purposes of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of building and structures.” Any future development on the MSJC Site would obtain electrical power from BEU which has a mix of generation sources in its renewable portfolio which satisfies or exceeds RPS targets for 2030 mandated under SB 100. As required by BMC, it is reasonable to anticipate that any development of VHDR uses on the MSJC Site would conform to applicable provisions of the CalGreen Code in effect at the time such development occurs; accordingly, the MSJC Entitlements and subsequent development of the MSJC Site would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

**Level of Significance Prior to Mitigation:** No Impact for MSJC Entitlements.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact for MSJC Entitlements or any future development of the MSJC Site.

## 5.4.7 Geology and Soils

### 5.4.7.1 Environmental Setting

Geologic conditions are regional in nature, and the general discussion of the City’s geologic setting, which is provided in **Section 4.7** of this EIR, applies to the MSJC Site. The San Andreas Fault Zone is located approximately 6 miles northeast, and the active Banning Fault Zone, a branch of the San Andreas Fault Zone, is located approximately 1.20 miles northeast of MSJC Site. The San Jacinto Fault Zone is located approximately 9 miles southwest of the MSJC Site. The nearest known active fault is the San Gorgonio Fault Zone, to the north. As the San Andreas Fault Zone marks the boundary between the Pacific and North American Plates, the City and immediate area continues to experience seismic activity, though no active or potentially active fault of “Alquist-Priolo” Earthquake Fault Zone

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<sup>25</sup> **CALGreen Chapter 4, Section 4.106.4.2.2 (Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms).** Ten percent of parking spaces must be EV capable (EV Capable Space: A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging); 25 percent must be EV ready (EV Ready Space: A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger). In buildings with 20 or more units, five percent of parking spaces require Level 2 charging features (the 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises and the electric vehicle).





or City designated Fault Hazard Management Zone is located within the limits of the MSJC Site. Per the City's General Plan<sup>26</sup> the MSJC Site is not located in an area with mapped faults or seismic settling potential. Furthermore, the liquefaction potential of the site is "low",<sup>27</sup> nor within an area of a known susceptibility for landslides.<sup>28</sup> Due to the distance of large bodies of water from the MSJC, the possibility of seiches, tsunamis, and inundation due to failure of large water storage facilities is considered low. FEMA designated Flood Zone X traverses the MSJC Site in from Westward Avenue in a northwest-southeast direction, while Flood Zone A<sup>29</sup> associated with Pershing Creek is located along the southern boundary of the MSJC Site.<sup>30</sup> As with the Development Project, any development based on the MSJC Entitlements would likely not occur within the natural drainages on the MSJC Site. No ponds, lakes, or other large man-made open water retention features exist on or are adjacent to the MSJC Site.

A paleontological records search conducted for the Development Project extended one mile from the Development Site (inclusive of the MSJC Site). No fossil localities were identified within the one-mile search radius.

#### 5.4.7.2 MSJC Site Programmatic Impact Analysis

Because the potential impacts of the MSJC Entitlements on geological resources and the specific geology at the MSJC Site is site specific, a more thorough assessment of potential impacts likely will need to occur in the future if a specific development plan for residential use is proposed. Appendix G of the *CEQA Guidelines* provides the following thresholds related to geologic and soil conditions and or paleontological resources. A significant impact would occur if the MSJC Entitlements would:

- 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 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;
- Result in substantial soil erosion or the loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse;

<sup>26</sup> City of Banning. 2006. General Plan, Geotechnical Element, Figures V-2 through V-4.

<sup>27</sup> California Department of Conservation. 2023. Website: <https://maps.conservation.ca.gov/cgs/DataViewer/> (accessed May 11, 2023).

<sup>28</sup> U.S. Geological Survey. 2023. U.S. Landslide Inventory. Website: <https://usgs.maps.arcgis.com/pps/ebappviewer/index.html?id=ae120962f459434b8c904b456c82669d> (accessed May 10, 2023).

<sup>29</sup> Flood Zone X: 0.2% annual chance of flood hazard, areas of 1% chance of flood with average depth of less than one foot, or drainage areas of less than on square mile. Flood Zone A: 100 year flood zone without base flood elevation.

<sup>30</sup> Federal Emergency Management Agency, Flood Insurance Rate Map, Panel 06065C0816G, effective August 28, 2008.



- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The laws, regulations and City policies related to geology and soils have been previously identified in **Section 4.7.4** of this EIR and would apply to any development of the MSJC Site. ***Cause Adverse Effects from Seismic Events.*** The MSJC Site is not located in an Alquist-Priolo earthquake fault zone and does not show evidence of active faulting and therefore would not directly or indirectly cause potential substantial adverse effects related to fault rupture. While active faults are not known to exist on the MSJC Site, the Banning Fault located to the northeast along with the nearby San Andreas and San Jacinto fault zones can produce strong ground shaking in case of a fault rupture in this area. State regulations protecting human-occupied structures from seismic hazards are provided in the most recent (2022) California Building Code (CBC) (CCR Title 24, Part 2). The CBC (adopted by reference in Chapter 15.08 [Construction Codes] of the City's Municipal Code) contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on site, and the strength of ground motion with specified probability of occurring. Compliance with applicable standards and regulations would ensure structures and facilities are designed to withstand the ground shaking during design seismic event. Secondary seismic hazards (i.e., lurching, ground rupture, liquefaction, dynamic settlement, flooding, tsunamis, and seiches) are expected to be low at this site.

An MSJC Site-specific geotechnical investigation has not been conducted since no buildings or construction are proposed in connection with adoption of the MSJC Entitlements. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. If future development is proposed, a development-specific geotechnical investigation will need to be conducted that would evaluate conditions on site and assess whether these conditions are suitable for the specific development proposed (including structures, facilities, and ancillary features), along with specific grading and design recommendations. Development of any future uses on the MSJC would be governed by the site-specific design, grading, and construction recommendations identified in the future geotechnical evaluation. Adherence to **MSJC Site RCM GEO-1** would ensure impacts related to seismic events remain less than significant.

**Soil Erosion.** All grading would be subject to local and State codes and requirements for erosion control and grading during construction. The Construction General Permit (CGP) issued by the State Water Resources Control Board (SWRCB) regulates construction activities to minimize water pollution, including sediment. Development of the MSJC Site would be subject to National Pollutant Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The construction contractor would be required to prepare and implement an SWPPP and associated best management practices



(BMPs) in compliance with the CGP during grading and construction. Compliance is required for all development in the City. Therefore, it is anticipated that future development that may occur on the MSJC Site pursuant to the proposed MSJC Entitlements would fully comply with the regulations in effect at the time of construction. Adherence to the erosion and pollution control actions identified in **MSJC Site RCMs WQ-1 through WQ-3** would ensure soil erosion impacts associated with future development of the MSJC Site remain less than significant.

**Unstable Soils.** As stated previously, per the City's General Plan the MSJC Site is not located in an area with mapped faults, seismic, or settling potential. Furthermore, the liquefaction potential of the site is "low", and the MSJC Site is not within an area of known, or a known susceptibility for, landslides. Any proposed development on the MSJC Site would require a site-specific geological hazard investigation, which would appropriately identify any on-site conditions or unstable soils. As established in the City's General Plan EIR, future development meeting Zoning Code, Uniform Building Code, and the design recommendations provided in site-specific geotechnical investigations (as required by **MSJC Site RCM GEO-1**) would reduce any potential impacts related to unstable soils to less than significant.

**Expansive Soils.** Expansive soils are soils that experience volumetric changes in response to increases or decreases in moisture content. While the application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time, residential development could be authorized in the future following adoption of a specific plan. If future development is proposed, a development-specific geotechnical investigation will need to be conducted that would evaluate conditions on site and assess whether these conditions (including the presence of expansive soils) are suitable for the specific development proposed. The potential impact of expansive soils would be addressed through design in compliance with applicable requirements in the CBC, as adopted by the City of Banning in its Municipal Code (**RCM GEO-1 and RCM GEO-2**). Since the potential for expansive soils is low and any potential expansion would be addressed through compliance with applicable State and local Code requirements if the MSJC Site is developed in the future, the MSJC Entitlements or future development of VHDR would not create substantial potential risks to life or property, and the impact would be less than significant.

**Septic Tanks or Alternative Sewer Systems.** Current MSJC campus facilities are connected to the City's sewer system. No use requiring sewer service is currently located on the undeveloped portion of the MSJC Site. It is reasonable to anticipate that future development on the MSJC Site would connect to the City's sewer system and would not rely on septic systems or alternate forms of wastewater disposal; therefore, no impact related to this issue would occur.

**Paleontological/Geological Resources.** While a paleontological locality search was not conducted for the MSJC Site, the fossil locality search for the Development Site indicated that no such localities were located within one mile from the boundaries of that site. The MSJC Site is located within one mile of the Development Site; therefore, it is reasonable to conclude no fossil localities are located on the MSJC Site itself. As detailed in **Section 4.7.6.9** of this EIR, approximately two miles south of the Development Site (which itself is located adjacent to the MSJC Site), ten localities from the Plio-Pleistocene-aged San Timoteo Formation have been recorded, consisting of plant and snail remains along with fish remains and proboscidean (elephant relative) and other mammal bones. These San Timoteo Formation localities are located along Highland Springs Road south of Banning and are



approximately 2.2 million years old. The plant fossils included willow, oak, magnolia, and water reeds. From Pleistocene deposits 4.5 miles north of the Development Site, plant remains and bones from a camel (*Camelops* sp.) were recovered.

Per the City's General Plan and similar to the Development Site, sediments on site consist of young alluvium and older alluvium fan deposits. Typically, sediments mapped as Quaternary older and younger alluvial fan sediments in western Riverside County are assigned a High (High A or High B) paleontological sensitivity based on the well documented record of yielding important Ice Age fossils, such as large terrestrial vertebrates (e.g., bison, mammoth, mastodon, horse, camel, giant ground sloth, short-faced bear, saber-toothed cat, and others);<sup>31</sup> therefore, there is a potential significant impact to paleontological resources that may result from the development of VHDR uses on the MSJC Site. **MSJC Site Mitigation Measures GEO-1 and GEO-2** require preparation of a site-specific Paleontological Resources Assessment and evidence that the applicable recommendations identified in the assessment are carried out prior to and during ground disturbance activities. Adherence to these measures would ensure potential impacts to paleontological resources remain less than significant.

Additionally, no known unique geologic features are present on the site; however, if during the preparation of the development-specific geotechnical investigation a unique geologic feature is identified, the report would include recommendations to avoid effects resulting from impact to the potential unique geological feature. This impact would be less than significant.

**Level of Significance Prior to Mitigation:** The MSJC Entitlements themselves would not result in a physical disturbance; therefore, no impacts related to geologic or paleontological resources would occur. During subsequent development, impacts would be Less than Significant (Geologic) and Potentially Significant (Paleontological Resources).

**Regulatory Compliance Measures and Mitigation Measures:** **MSJC Site RCM GEO-1** identified below would be applicable and implemented by the MSJC Entitlements. As defined by the recommendations in the development-specific geotechnical investigation to be prepared at such time that a development application is submitted for the MSJC Site, the measures identified in RCM GEO-1 and RCM GEO-2 for the Development Project (or the equivalent) would be imposed. Additionally, **MSJC Site RCM WQ-1 through WQ-3** (see **Section 5.4.10.1** of this EIR), requiring preparation and implementation of a SWPPP and associated best management practices (BMPs) in compliance with the CGP during grading and construction would also apply to the MSJC Site. **Mitigation Measures MSJC Site GEO-1 and GEO-2** ensure adequate mitigation for potential impacts to on-site paleontological resources.

**MSJC Site RCM GEO-1**

The applicant for development on the MSJC Site shall prepare and complete a project-specific geotechnical investigation, and submit it to the City for review and approval prior to issuance of grading permits for any development on the MSJC Site. The project-specific geotechnical evaluation shall be prepared by a licensed geotechnical

<sup>31</sup> Jefferson, G.T. 2009. [A] Catalogue of late Quaternary vertebrates from California. Unpublished manuscript, 1991, revised 11 March 2009; Natural History Museum of Los Angeles County.



engineer and shall identify and address on-site geotechnical conditions and the appropriate design, grading, and construction parameters required per applicable sections of the most current California Building Code.

The applicant for development on the MSJC Site shall provide evidence to the City Engineer that the site-specific geotechnical conditions and recommendations identified in the geotechnical evaluation are appropriately incorporated into the grading plans, design and construction documents for any on-site landform modification, structure, feature, or facility, and that the building plans and structural design conform to the requirements of the geotechnical evaluation and the City Municipal Code.

**MSJC Site MM GEO-1**

The applicant for development on the MSJC Site shall complete a Paleontological Resources Assessment and provide it to the City for review and approval prior to issuance of grading permits for any development on the MSJC Site.

**MSJC Site MM GEO-2**

Prior to the issuance of grading permits for any development on the MSJC Site, the applicant of said development shall provide evidence to the City for review and approval that the mitigation and/or compliance measures identified in the site-specific Paleontological Resources Assessment have been fully implemented and/or incorporated into the project design.

**Level of Significance After Mitigation:** Less than Significant

## 5.4.8 Greenhouse Gas Emissions

### 5.4.8.1 Environmental Setting and Regulatory Framework

Global climate change (GCC) is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other significant changes in climate (e.g., precipitation or wind) that last for an extended period of time. Climate change refers to any change in measures of weather (e.g., temperature, precipitation, or wind) lasting for an extended period (decades or longer). Climate change may result from natural factors (e.g., changes in the sun's intensity), natural processes within the climate system (e.g., changes in ocean circulation), or human activities (e.g., the burning of fossil fuels, land clearing, or agriculture). The MSJC Site includes the existing MSJC campus facilities, the operation of which produce GHG emissions with the potential to contribute to climate change.

As stated previously, the MSJC Entitlements avoid the net loss of residential capacity and do not significantly increase capacity or the number of units in the City, if at all. The MSJC Entitlements shift the entitlement for 1,146 residential units from the Development Site to the MSJC Site. The MSJC Entitlements would allow for up to 1,181 VHDR units on the MSJC Site, so that it is possible that 35 more units than currently planned for in the City could be added. Nevertheless, it is not anticipated that physical development of housing units on the MSJC Site would significantly increase GHG impacts



differently than accounted for in current City planning documents. CalGreen and Energy building code requirements and vehicle emissions improvements, conversion to more electric vehicles, and electrification of residences will continue to improve energy efficiency and decrease emissions. Nevertheless, it is likely that GHG emissions from construction and operation of the residential project would be less than accounted for under current City planning documents, and a site-specific analysis of GHG impacts of physical development may be appropriate.

The description of types of GHGs are set forth in **Section 4.8.1.2** of this EIR. For a complete discussion, see **Section 4.8.1.2** of this EIR. Worldwide emissions of GHGs in 2018 totaled 25.6 billion metric tons (MT) of CO<sub>2</sub>e. Global estimates are based on country inventories developed as part of the programs of the United Nations Framework Convention on Climate Change. In 2020, total United States emissions were 5,981 million metric tons (MMT) of CO<sub>2</sub>e. Historically, emissions in the United States had been increasing with population and economic growth, and between 1990 and 2007 total GHG emissions in the United States increased 15.6 percent. However, after 2012, GHG emissions began decreasing in large part due to a decrease in CO<sub>2</sub> emissions from fossil fuel combustion. The decrease in CO<sub>2</sub> emissions from fossil fuel combustion was a result of multiple factors, including substitution from coal to natural gas and other non-fossil energy sources in the electric power sector.

As stated previously, with the exception of existing MSJC campus facilities, the majority of the MSJC Site is undeveloped and does not generate anthropogenic GHG emissions.

The laws, regulations and City policies related to GHG emissions have been previously identified in **Section 4.8.3** of this EIR and would apply to any development of the MSJC Site.

#### *5.4.8.2 MSJC Site Programmatic Impact Analysis*

Appendix G of the *CEQA Guidelines* provides the following thresholds of significance for GHG emissions. A significant impact would occur if the MSJC Entitlements would:

- Generate GHG emissions either directly or indirectly that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

**Generate Significant GHG Emissions.** The MSJC Entitlements would accommodate the transfer of residential units from the Development Site to maintain compliance with applicable provisions of SB 330. The proposed VHDR designation/zoning would allow a density range of 18–24 dwelling units per acre (18-24 DU/AC), resulting in a residential capacity of not less than 1,146 residential units and up to 1,181 units, which offset the reduction of residential capacity on the Development Site. Construction and occupation of any use on the MSJC Site would generate GHG emissions. However, the emissions likely would not exceed those already accounted for in the City’s current General Plan and Zoning for residential units that would have occurred on the Development Site due to the anticipated clustering of units and smaller development footprint needed for the number of high-density units on fewer acres. It should be noted that transfer of residential capacity from the Development Site to the MSJC Site does not represent an increase in number of residential units or



increase in population beyond that previously considered by the City (or by extension SCAG). Therefore, the operation of the residential units once constructed would not result in GHG emissions that were not already anticipated in the City's General Plan. Furthermore, the proposed MSJC Entitlements and any VHDR development resulting from adoption or development of the MSJC Entitlements would not result in the relocation of residential uses to outlying portions of the City. The MSJC Site is located directly adjacent to the Development Site (east across Sunset Avenue), and it is reasonable to anticipate no substantial increase in the length of vehicle trips or a corresponding increase in GHG emissions from vehicle usage would result from the proposed MSJC Entitlements or any subsequent development of VHDR uses on the MSJC Site that were not already anticipated from the original land use and zoning on the adjacent Development Site. Because specific plans for development, including a development footprint, are not part of the MSJC Entitlements, it would be speculative to estimate or compare potential GHG emissions from construction. Because the units are VHDR and planned for a smaller area, it is likely that GHG emissions from construction would be less than significant than if the Development Site had been developed with residential units under the current zoning. Therefore, no significant increase GHG emissions will occur as a result of the MSJC Entitlements.

**Conflict with GHG Reduction Plan/Policy.** Without specific information about the development footprint and configuration of the residential units on the MSJC Site, the programmatic-level analysis does not allow for evaluation of compliance with existing plans and policies, and a more specific development formulation for the site will need to be evaluated under *CEQA Guidelines* Section 15168(c) to determine if additional environmental analysis may be required to assess GHG impacts.

The California Building Standards Commission adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen) most recently updated in 2022 are part of the State's efforts to reduce GHG emissions and energy consumption from residential and nonresidential buildings. The California Green Building Standards Code sets minimum standards for building design and construction, energy efficiency; water consumption; dual plumbing systems for potable and recyclable water; diversion of construction waste from landfills; and use of environmentally sensitive materials in construction and design, including ecofriendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels, and mandates solar roofs for multifamily residential units up to three stories in height.

As the City's General Plan includes a mechanism requiring project-specific air quality analysis, and because the proposed MSJC Entitlements themselves do not include a physical project that would generate air pollutants, the MSJC Entitlements would not generate GHG emissions. As appropriate, subsequent development would be subject to conditions that would reduce impacts related to the emission of GHG, and mitigation measures that would reduce GHG emissions to the extent feasible. Therefore, no significant conflict with a GHG reduction plan/policy would result from the proposed MSJC Entitlements.

**Level of Significance Prior to Mitigation:** No Impact for MSJC Entitlements. In the absence of a project proposal for VHDR development on the MSJC Site it would be speculative to estimate the project-specific GHG emissions that may be associated with VHDR development. In the absence of such an assessment, potential GHG emissions resulting from future development of the MSJC Site may be significant.



**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required at this time.

**Level of Significance After Mitigation:** No Impact for MSJC Entitlements. Potentially significant impacts for future VHDR development on the MSJC Site which cannot be determined in the absence of a specific development proposal.

#### 5.4.9 Hazards and Hazardous Materials

This section describes known and potential hazards and hazardous materials conditions currently at the MSJC Site and in the surrounding area, relates potentially significant adverse public health impacts anticipated as a result of the change in the General Plan and Zoning allowing residential uses on the MSJC Site, and addresses the potential impacts of the MSJC Entitlements with consideration of local, State, and federal regulations and policies.

##### 5.4.9.1 Environmental Setting

Approximately 8.3 acres of the MSJC Site are currently fully or partially developed with MSJC campus features, including one administration building, two classroom buildings, and one ancillary building, and surface parking. While a site-specific Phase I Environmental Site Assessment has not been prepared for the MSJC Site, the potential exists that the current buildings on the MSJC Site store and use hazardous materials. The balance of the MSJC Site is undeveloped, with no existing structures, and vegetation that is a mosaic of Riversidean sage scrub, grassland, and water habitats. Pershing Creek crosses the Sunset Avenue from the west, bordering the southern portion of the MSJC Site. Electrical distribution lines are located on the north side of Westward Avenue. With the exception of existing MSJC school facilities, the 49.2-acre MSJC Site is undeveloped.

The MSJC Site was evaluated via the State Water Resources Control Board (SWRCB) GeoTracker database, the Department of Toxic Substances Control's (DTSC) EnviroStor database<sup>32,33,34</sup> and the Hazardous Waste and Substances Sites (Cortese) List for the purposes of identifying recognized environmental conditions or historical recognized environmental conditions. Based on the review of these databases, there are no known conditions on site that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the MSJC Site. According to the database review, the MSJC Site does not currently contain any recognized environmental conditions or historical recognized environmental conditions.

Per the City's General Plan (Exhibit V-11) a 16-inch crude oil pipeline not currently in use is located in Westward Avenue. In the past, this pipeline has transported crude oil, diesel fuel and gasoline run in an east-west direction along Westward Avenue. The Banning Municipal Airport is approximately 3.0

<sup>32</sup> Department of Toxic Substances Control (DTSC). n.d. EnviroStor. Website: [https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM,COLUR&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+\(CORTESE\)](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM,COLUR&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+(CORTESE)) (accessed December 5, 2022).

<sup>33</sup> State Water Resources Control Board (SWRCB): n.d. Geotracker. Website: <https://geotracker.waterboards.ca.gov/map/> (accessed December 5, 2022).

<sup>34</sup> Department of Toxic Substances Control (DTSC). n.d. EnviroStor. Website: <https://www.envirostor.dtsc.ca.gov/public/map/> (accessed December 5, 2022).





miles east of the MSJC Site. The MSJC Site is located outside of any identified Airport Influence Area, as well as the 65 dBA CNEL noise contour identified for the airport.

#### 5.4.9.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to hazards and hazardous materials. A significant impact would occur if the MSJC Entitlements:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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 create a significant hazard to the public or the environment;
- If 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 result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The laws, regulations and City policies related to hazardous materials and hazards have been previously identified in **Section 4.5.4** of this EIR and would apply to the MSJC Site.

**Significant Hazards from Routine Transport, Use, or Disposal.** The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. It reasonably can be anticipated that construction associated with future development permitted under the proposed MSJC Entitlements could involve the use of potentially hazardous materials, such as vehicle fuels and fluids, that could be released should a leak or spill occur. These materials are commonly used at construction sites, and the construction activities would be required to comply with applicable State and federal regulations for proper transport, use, storage, and disposal of excess hazardous materials, including compliance with the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and California Code of Regulations Title 22. It is reasonable to anticipate that occupation of any future residential uses that may be developed pursuant to the MSJC Entitlements would involve the storage



and use of household hazardous materials (e.g., household cleaners, paints, fuel, etc.) and that individuals occupying the residential units would use such materials in the manner prescribed by the manufacturer. Since none of these actions would occur as a result of City adoption of the MSJC Entitlements, however, no significant impact would result from adoption of the proposed entitlements. Any future development proposal would be required to comply with applicable conditions of approval and regulatory compliance measures identified in **Section 4.9** that would be imposed, and potential impacts from the transport, use, storage, and disposal of hazardous materials would be less than significant.

***Hazards from Reasonably Foreseeable Upset and Accident.*** The adoption of the MSJC Entitlements would accommodate the potential future residential development on the MSJC Site. It is reasonable to anticipate that the use, storage, transport, and disposal of hazardous materials during construction and occupation of any future residential development would conform to standard regulatory safeguards to limit and mitigate the release of any hazardous material into the environment. Since none of these actions would occur as a result of City adoption of the MSJC Entitlements, however, no significant impact would result from adoption of the proposed entitlements. Since any future development proposal would be required to comply with applicable conditions of approval and regulatory compliance measures identified in **Section 4.9** that would be imposed, potential impacts from reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment would be less than significant from VHDR development on the MSJC Site.

***Proximity to Schools.*** The MSJC campus is located on 8.3 acres of the MSJC Site, on which a school site is located. Hemmering Elementary School is located approximately 0.9 mile north (across I-10). Unlike commercial or industrial development, residential uses do not generally generate, use, store, or transport large quantities of hazardous materials. During construction, typical hazardous materials in use include fuels, lubricants, solvents, architectural coatings, and similar substances. During occupation of residential uses, hazardous substances in use may include vehicle fuel, household cleaners, paint, and items. It is reasonable to conclude the use of any hazardous material during construction or occupation of any residential uses developed subsequent to adoption of the MSJC Entitlements would conform to legally applicable safeguards. Adherence to these safeguards would limit the release into the environment; therefore, no significant impact would occur. Since none of these actions would occur as a result of City adoption of the MSJC Entitlements, no significant impact would result from adoption of the proposed entitlements.

***Located on a Known Hazardous Waste Site.*** As previously stated, the MSJC Site was evaluated via the SWRCB GeoTracker database, the DTSC's EnviroStor database, and the Cortese List for the purposes of identifying recognized environmental conditions or historical recognized environmental conditions. Based on the review of these databases, there are no known conditions on site that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume) on the MSJC Site. The MSJC Site does not currently contain any recognized environmental conditions or historical recognized environmental conditions.

Any future residential development project proposed on the MSJC Site would need to undergo project-level review by the City for the Specific Plan required by the MSJC Entitlements. This would include preparation of a project-specific Phase 1 Environmental Site Assessment to confirm the



presence or absence of any known or previously unknown hazardous materials sites on, adjacent, or within the reporting vicinity of the MSJC Site. **Mitigation Measure MSJC Site HAZ-1** has been identified to reduce the significance of any potential impact related to hazardous materials from the future VHDR development of the MSJC Site. However, no significant impact would result from adoption of the MSJC Entitlements.

**Airport Land Use Plan.** The MSJC Site is located approximately 3.0 miles west of the Banning Municipal Airport. As the MSJC Site is located outside the boundaries of any Airport Influence Area or Height Review Overlay established for Banning Municipal Airport, no airport hazard to future residential uses on the MSJC Site would occur. The MSJC Site is located more than 2.5 miles outside the 65 dBA CNEL noise established for the airport; therefore, future residential uses at the site would not experience any airport-noise related hazard and no impact would result either from adoption of the proposed MSJC Entitlements or subsequent residential development.

**Emergency Response and Evacuation.** According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Gorgonio Avenue/SR-243 and its interchange with I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response. Adoption of the proposed MSJC Entitlements is not a physical project that would alter any facility or inhibit the City's Emergency Operations Plan. As subsequently proposed residential development would be reviewed by the City, it is reasonable to anticipate that the City will require site preparation, grading, and construction activities to maintain appropriate access along local roadways during construction, and that local roadways or access to surrounding properties would not be blocked. Furthermore, such City review would ensure appropriate access to/from any future residential development conforms to applicable City standards. Accordingly, a less than significant impact to emergency response and evacuation is likely from the future VHDR development of the MSJC Site. Since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact to an emergency response plan or evacuation route would occur would result from adoption of the proposed entitlements.

**Wildland Fire Hazards.** The MSJC Site is located within a wildlands urban interface, according to CalFire's Fire Hazard Severity Zone map. With the exception of existing campus buildings and ancillary features, the MSJC Site is undeveloped, and the MSJC Site is located within a Local Responsibility Area (LRA) and is designated as a non-Very High Fire Hazard Severity Zone (VHFHSZ). Further discussion of this issue is provided in **Section 5.20**. Since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact as a result of wildland fire hazards is anticipated from adoption of the proposed entitlements. However, any future VHDR development on the MSJC Site will be required to develop a project-specific fire protection plan that identifies appropriate measures to protect residents and follow the recommendations, and the impact from such development would be less than significant.



**Level of Significance Prior to Mitigation:** The MSJC Entitlements themselves would not result in a physical disturbance; therefore, there would be no significant impacts related to hazards. During development of the MSJC Site, potentially significant impacts related to unrecorded or unknown hazardous materials may occur.

### **Regulatory Compliance Measures and Mitigation Measures**

**MSJC Site MM HAZ-1** Prior to the issuance of grading permits for any development on the MSJC Site, the applicant of said development shall prepare and submit to the City for review and approval a project-specific Phase 1 Environmental Site Assessment.

**MSJC Site MM HAZ-2** Prior to the issuance of grading permits for any development on the MSJC Site, the applicant of said development shall submit to the City for review and approval any mitigation and/or compliance measures identified in the project-specific Phase I Environmental Site Assessment, provide evidence that said measures have been fully satisfied, implemented and/or incorporated into the project design.

**MSJC Site MM HAZ-3** Prior to project approval of development on the MSJC Site, the applicant of said development shall prepare and submit to the City for review and approval a project-specific Fire Protection Plan. The Fire Protection Plan shall include mitigation and/or compliance measures, which will require approval by the City.

**Level of Significance After Mitigation:** Less than Significant for future development of VHDR.

## **5.4.10 Hydrology and Water Quality**

### *5.4.10.1 Environmental Setting*

The MSJC Site is located within the Whitewater River Watershed. The Whitewater River Watershed spans 1,500 square miles in Riverside and San Bernardino counties, including the Coachella Valley and portions of several surrounding mountain ranges. The City of Banning and the MSJC Site are located within the boundary of the Coachella Valley Groundwater Basin, San Gorgonio Pass Subbasin. The eastern boundary is formed by a bedrock constriction that creates a groundwater cascade into the Indio Subbasin. The subbasin is bounded on the north by the San Bernardino Mountains and by semi-permeable rocks, and on the south by the San Jacinto Mountains. The San Gorgonio Pass Subbasin is divided into the following five storage units: Beaumont Storage Unit (Beaumont Basin), Banning Storage Unit, Banning Bench Storage Unit, Banning Canyon Storage Unit, and Cabazon Storage Unit. As detailed in **Table 4.10.A**, groundwater production in the San Gorgonio Pass Subbasin between 2016 and 2020 ranged from 7,034 to 7,823 acre/feet/year (afy). The San Gorgonio Pass Subbasin has been



designated by the California Department of Water Resources as a medium priority basin for which a groundwater management plan was adopted in 2022.<sup>35</sup>

The surface area of the subbasin is approximately 60 square miles (see **Figure 4.10-1**), with average annual rainfall over the subbasin ranging from 15 to 18 inches. The main water-bearing deposits in the subbasin are Holocene and Pleistocene age alluvium and Pliocene to Pleistocene age San Timoteo Formation. In 1987, the total storage capacity of the San Gorgonio Pass Subbasin was estimated at 2,200,000 acre-feet.

According to the City General Plan, groundwater quality in the City is considered excellent. Groundwater in the subbasin is characterized as predominantly calcium-sodium bicarbonate type, and total dissolved solid (TDS) content for groundwater samples from the San Gorgonio Pass Subbasin ranges from 106 to 205 milligrams/liter (mg/L). (Surface water and groundwater with TDS exceeding 3,000 mg/L are not considered suitable for municipal or domestic water supply.) A robust discussion of the hydrologic condition of surface and groundwater in the vicinity of the MSJC Site is provided in **Section 4.10.3** of this EIR.

The undeveloped portions of the MSJC Site generally slope from northwest to southeast and follow the typical drainage characteristics of the City. There are two drainage features that traverse the MSJC Site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. Due to the meandering course of this drainage, the MSJC Site encroaches onto the feature. A smaller, secondary drainage course enters the property from a storm drain outlet located approximately 400 linear feet east of the intersection of Sunset and Westward Avenues and joins Pershing Creek approximately 700 feet south of the MSJC Site. Based on the FEMA maps for the City of Banning (FIRM Panels 06065C0816G and 06065C0817G), Pershing Creek is located in Flood Hazard Zone A. Flood Hazard Zone A areas are subject to inundation by the 1-percent-annual-chance flood event. Per the FIRM Panels, the unnamed drainage is identified as an “an area of undetermined flood hazard.”

#### *5.4.10.2 MSJC Site Programmatic Impact Analysis*

Appendix G of the *CEQA Guidelines* provides the following thresholds related to hydrology and water quality. A significant impact would occur if the MSJC Entitlements would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;

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<sup>35</sup> Basin Prioritization is a technical process that utilizes the best available data and information to classify California’s 515 groundwater basins into one of four categories: high-, medium-, low-, or very low-priority. The technical process is based on eight components that are identified in the [California Water Code Section 10933\(b\)](#). Each basin’s priority determines which provisions of California Statewide Groundwater Elevation Monitoring (CASGEM) and the Sustainable Groundwater Management Act (SGMA) apply. SGMA requires medium- and high-priority basins to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs), and manage groundwater for long-term sustainability.



- 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 that would result in flooding on or off site; (iii) Create or contribute runoff water that 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;
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The laws, regulations and City policies related to hydrology and water quality have been previously identified in **Section 4.10.4** of this EIR and would apply to any development of the MSJC Site.

**Violate Water Quality Standards of Degrade Water Quality.** The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Development of the MSJC Site subsequent to the proposed land use actions could potentially impact surface or ground water quality due to erosion related to earth disturbance activities and runoff from paved services. Chapter 13.24 (Stormwater Management System) of the City's Municipal Codes, requires the implementation of stormwater pollution prevention and control for construction activities. Review of project-level construction plans by the City would, as appropriate, identify the specific project design features, or other conditions required to conform to the City's NPDES program (MSJC Site RCM WQ-1), including preparation of a SWPPP and Erosion and Sediment Control Plans and implementation of construction BMPs (MSJC Site RCM WQ-2), and preparation of a site-specific Hydrology and Hydraulic Analysis (MSJC Site RCM WQ-3). These are standard regulatory compliance measures required of all development in the City to reduce the potential for violation of water quality standards or waste discharge requirements during construction, or significant impacts from construction and development; therefore, the impact from future development of VHDR would be less than significant. However, since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact on water quality is anticipated from adoption of the proposed entitlements.

**Substantially Decrease Groundwater Supplies.** The City's primary water supply is groundwater. While the proposed MSJC Entitlements will allow the development of up to 1,181 residential units on the MSJC Site, it must be noted that this residential water demand has previously been anticipated under the City's 2020 Urban Water Management Plan and is included in the WSA prepared for the Development Project. Both documents show sufficient water supplies for development of up to 1,181 residential units that may result from adoption and development of the MSJC Entitlements. The WSA calculates water supply for the maximum 1,181 residential units at 734 AFY, and sufficient 20-year supplies in normal, dry, and multiple dry years to serve these units if the MSJC Entitlements are ultimately developed. Therefore, development of the MSJC Site per the proposed land use actions would not significantly deplete groundwater supplies. As stated below, the future development of the



MSJC Site would conform to the design features and BMPs identified in a site-specific WQMP (see MSJC Site RCM WQ-2). It is reasonable to anticipate that these features, incorporated into the design of any future residential development on the MSJC Site, will include retention features to allow the continuation of appropriate amount infiltration on the MSJC Site; therefore, no significant interference with groundwater recharge would result from adoption of the proposed MSJC Entitlements or subsequent development of the MSJC Site.

***Substantial Changes in Drainage Patterns.*** There are two drainage features that traverse the site from the northwest, primarily from Westward and Sunset Avenues. Pershing Creek crosses Sunset Avenue from the west. Due to the meandering course of this drainage, the MSJC Site encroaches onto the feature. A smaller, secondary drainage course enters the property from a storm drain outlet located approximately 400 linear feet east of the intersection of Sunset and Westward Avenues and joins Pershing Creek approximately 700 feet south of the MSJC Site. Based on the FEMA maps for the City of Banning (FIRM Panels 06065C0816G and 06065C0817G), Pershing Creek is located in Flood Hazard Zone A. Flood Hazard Zone A areas are subject to inundation by the 1-percent-annual-chance flood event. Per the FIRM Panels, the unnamed drainage is identified as an “an area of undetermined flood hazard.”

Pursuant to MSJC Site MM BIO-5, future development that may occur on the MSJC would avoid the on-site drainages to the extent practicable, providing appropriate buffer areas to separate these features from any development. Future development’s contribution to future drainage and flooding impacts will require site-specific analysis based on the type and location of said development. To ensure a thorough assessment of potential drainage related impacts, MSJC Site RCMs WQ-2 and WQ-3 require the preparation of a site-specific Water Quality Management Plan and Hydrology and Hydraulic Analysis. As future development on the MSJC Site will require that the specific recommendations and design features identified in reports be incorporated into future development, it is reasonable to anticipate that potential water quality concerns regarding erosion and runoff/flooding concerns would be appropriately mitigated, and that in the absence of a flood impact, the release of pollutants from a flood event also would be less than significant. However, since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact is anticipated from adoption of the proposed entitlements.

***Flood, Tsunami, or Seiche Hazards.*** As the MSJC Site is not located adjacent to or near the ocean, or enclosed closed bodies of water, it would not be susceptible to impacts associated with a seiche, or tsunami.

***Conflict or Obstruct a Water Quality Control Plan or Sustainable Groundwater Management Plan.*** The MSJC Site is within the jurisdiction of the Colorado River Regional Water Quality Control Board, which maintains a Basin Plan that designates beneficial uses for all surface water and groundwater within its jurisdiction and establishes the water quality objectives and standards necessary to protect those beneficial uses. Adoption of the MSJC Entitlements would not result in any physical impact to a water quality or applicable groundwater management plan. Residential uses that may occur on the MSJC Site subsequent to approval of the MSJC Entitlements could result in discharge of pollutants of concern, including bacteria/virus, heavy metals, toxic organic compounds, nutrients, sediment/turbidity, trash and debris, oils, and grease that have the potential to impact water quality. Development of the MSJC Site with VHDR uses would be required to comply with the requirements



of the Whitewater River Watershed MS4 Permit and associated guidance documents, such as the Whitewater River Region Stormwater Quality Best Management Practice Design Handbook for Low Impact Development. The Whitewater River Watershed MS4 Permit requires that a Final WQMP be prepared for new development within its jurisdiction (specifically the City of Banning). The Final WQMP would impose Best Management Practices (BMPs)<sup>36</sup> and requirements to capture, treat, and reduce pollutants of concern in storm water runoff.

Compliance with these regulatory requirements detailed in MSJC Site RCMs WQ-1 and WQ-2 would ensure that future development of residential uses on the MSJC Site does not degrade or alter water quality, causing the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, no conflict with the Basin Plan would occur and impacts from future VHDR development would be less than significant. Since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact on a water quality control plan would result from adoption of the proposed entitlements.

The MSJC Site is in the Coachella Valley Groundwater Basin, San Gorgonio Pass Subbasin, which the California Department of Water Resources designates as a medium priority basin. In January 2022, the San Gorgonio Pass Groundwater Sustainability Agency adopted<sup>37</sup> the Groundwater Sustainability Plan for the San Gorgonio Pass Subbasin, which identifies projects and management actions to conserve water, capture stormwater, and recharge imported water. Apart from existing MSJC facilities, the site is undeveloped and permeable to groundwater infiltration. As development occurs on the MSJC Site, the permeable surfaces would be replaced with buildings and paved surfaces, reducing potential recharge area. It is anticipated, subject to the design parameters of a site-specific WQMP (see MSJC Site RCM WQ-2) prepared for development on the MSJC Site, the MSJC residential specific plan project WQMP could identify retention of on-site storm flows allowing for continuation of appropriate infiltration. The 2020 UWMP and Project WSA show sufficient water from all City supplies to serve up to 1,181 residential units if the MSJC Site is developed with these units, and the City's 2020 UWMP accounted for water supply for these units. Therefore, it is not anticipated that future development of residential uses on the MSJC Site as contemplated by the MSJC Entitlements would significantly obstruct the Groundwater Sustainability Plan for the San Gorgonia Pass Subbasin. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no significant impact is anticipated from adoption of the proposed entitlements.

**Level of Significance prior to Regulatory Compliance Measures:** The MSJC Entitlements themselves would not result in a physical disturbance; therefore, there would be no impacts related to hydrology and water quality. Subsequent development of the MSJC Site may result in potentially significant hydrology and water quality impacts.

<sup>36</sup> Design BMPs are storm water management strategies that emphasize conservation and use of existing site features to reduce the amount of runoff and pollutant loading generated from a site. Source Control BMPs are preventative measures that are implemented to prevent the introduction of pollutants into storm water. LID BMPs mimic a project site's natural hydrology by using design measures that capture, filter, store, evaporate, detain, and infiltrate runoff rather than allowing runoff to flow directly to piped or impervious storm drains. Treatment Control BMPs are structural BMPs designed to treat and reduce pollutants in storm water runoff prior to releasing it to receiving waters.

<sup>37</sup> San Gorgonio Pass Subbasin Groundwater Sustainability Agency. 2022. San Gorgonio Pass Subbasin Groundwater Sustainability Plan, Appendix B, Noticing and Adoption Documentation. January. Website: [https://www.sgpgsas.org/wp-content/uploads/2022/01/Final\\_SGPGSP\\_1230\\_2021-web.pdf](https://www.sgpgsas.org/wp-content/uploads/2022/01/Final_SGPGSP_1230_2021-web.pdf).





## Regulatory Compliance Measures and Mitigation Measures

### MSJC Site RCM WQ-1

Prior to commencement of construction activities for any development on the MSJC Site pursuant to the MSJC Entitlements, the applicant for said development shall obtain coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit), NPDES No. CAS000002, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit.

Furthermore, in compliance with City of Banning Ordinance No. 1388 Grading, Erosion, and Sediment Control, the applicant shall submit a grading plan and erosion control plan to the City for review and approval prior to the issuance of a grading permit for any development that may occur on the MSJC Site pursuant to the MSJC Entitlements.

### MSJC Site RCM WQ-2

Prior to issuance of a grading permits for any development pursuant to the MSJC Entitlements on the MSJC Site, the applicant shall prepare and submit to the City for review and approval, a site-specific Water Quality Management Plan (WQMP.) The WQMP shall specify (as applicable) 1) the BMPs to be incorporated into the any MSJC Site development design to target pollutants of concern in runoff from the proposed development; 2) the target pollutant(s) to be captured from each building/land use and treated by each BMP; 3) the metric for ensuring the BMP is addressing the target pollutant(s) of concern; 4) the necessary operation and maintenance activity for each BMP; 5) the specific action to be taken if it is determined that the BMP is not meeting its intended goal(s), and 6) other issues or analyses required by the City.

The applicant shall further provide evidence the features identified in the (Final) WQMP are fully incorporated, as approved by the City, into any MSJC Site development to meet the hydromodification requirements of the Whitewater River Watershed MS4 Permit.

### MSJC Site RCM WQ-3

Prior to issuance of grading permits for any development pursuant to the MSJC Entitlements on the MSJC Site, the applicant of said development shall prepare and submit to the City for review and approval a site-specific Hydrology and Hydraulic Analyses. The Hydrology and Hydraulic Analyses shall be prepared consistent with the requirements of the *Riverside County Flood Control and Water Conservation District Hydrology Manual* and the *Riverside County Whitewater River Region Stormwater Quality Best Management*



*Practice Design Handbook for Low Impact Development*, and Phase I MS4 Permit R7-2013-0011. The applicant of said development shall further provide evidence that the drainage facilities specified in (Final) Hydrology and Hydraulic Analyses, as approved by the City, are incorporated into the any final project design.

**Level of Significance After Mitigation:** Less than Significant for future development of VHDR.

#### 5.4.11 Land Use and Planning

##### 5.4.11.1 Environmental Setting

The 49.2-acre MSJC Site is located south and east of Westward Avenue and Sunset Avenue, respectively. Approximately 8.3 acres of the MSJC Site are currently developed with MSJC campus features, including one administration building, two classroom buildings, and one ancillary building, and surface parking. Single-family residences are located north of Westward Avenue. Land east of the MSJC Site is undeveloped with the exception of a water well. Undeveloped land is located to the south. The Development Site is located east of Sunset Avenue. As stated previously, the 49.2 acres is currently designated PF-S (Public Facilities-Schools). Surrounding properties to the north and south are designated and zoned for Medium Density Residential uses, while property to the east is designated for Very Low Density Residential uses.

##### 5.4.11.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to land use and planning. A significant impact would occur if the MSJC Entitlements:

- Physically divide an established community; or
- 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 laws, regulations and City policies related to land use have been previously identified in **Section 4.11.4** of this EIR and would apply to the MSJC Entitlements. The City's General Plan Land Use Element includes policies related to residential land use. The following goals and policies from the City's Land Use Element identify considerations for residential development projects:

- **Policy 1:** The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.
- **Policy 2:** Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.
- **Policy 6:** The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.



**Physically Divide a Community.** Any future development on the MSJC Site would likely front Westward Avenue, which will tie into the Sun Lakes Boulevard Extension, ensuring continued access through the southern portion of the City. The MSJC Entitlements provide for a continuation of the pattern of residential development along Sunset Avenue, north of Westward Avenue, and further east along Westward Avenue. No significant division of a community or incompatibility with existing residential uses would result from approval of the MSJC Entitlements or subsequent development of the MSJC Site.

**Conflict with Land Use Policy.** The application for MSJC Entitlements does not authorize any development on the MSJC Site; however, residential development could be authorized in the future following adoption of a specific plan. City General Plan Land Use policies relevant to development of residential uses on the MSJC Site include:

- **Policy 1:** The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.

**Consistent:** In compliance with Government Code Section 66300, the City has initiated the MSJC Entitlements to avoid a net loss of residential capacity resulting from implementation of the Development Project. The proposed MSJC Entitlements will change the current general plan and zoning designation of the MSJC Site from Public Facilities to Very High Density Residential, allowing a minimum capacity of not less than 1,146 residential units and a maximum of 1,181 units. The MSJC Entitlements would allow the potential development of very high density residential units that will provide greater diversity of housing across income levels and housing types including affordable housing opportunities. The MSJC Entitlements ensure no net loss of residential capacity in the City and provide alternative housing opportunities for a broader segment of the community ensuring continued consistency with the housing allocations established by SCAG. The proposed entitlements or any subsequent development that may occur on the MSJC Site would not be inconsistent with this policy. In addition, the MSJC Entitlements would be consistent with the nearby residential development, the school use currently on the site, and the commercial development and job opportunities afforded by the commercial and industrial development on the Development Site and consistent with this policy.

- **Policy 2:** Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

**Consistent:** The proposed MSJC Entitlements would avoid net loss of entitlement for 1,146 residential units to maintain compliance with applicable provisions of SB 330. The proposed VHDR designation/zoning would result in a residential capacity of not less than 1,146 residential units. As stated previously, existing single-family residential neighborhoods are located north of Westward Avenue and further west along Westward Avenue. The Rancho San Gorgonio Specific Plan (RSG SP), an 831-acre master planned community located south of the MSJC Site, aims to provide up to 3,385 residential units of variety of residential densities, lot types and housing types. Areas located within the RSG SP south of the MSJC Site are planned for the development of Medium High Density Residential (MHDR, 12.1 – 18.0 units/acre) residential uses (RSG SP Planning Areas 8A, 8B and 8D, and Neighborhood



Commercial (RSG Planning Area 9) east of the MSJC Site and south of Westward Avenue. Under the RSG SP, MHDR residential use may include duplex, row townhome, attached cluster, and multi-family flat products.<sup>38</sup>

A companion action to the MSJC Entitlements is the establishment of a Specific Plan Overlay for the MSJC Site. Specific plans are a mechanism to ensure that projects develop in an organized and cohesive manner. Consistent with existing State and City requirements, a specific plan regulating future development of the MSJC Site would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape plans. Typically, specific plans include a comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, landscape, and architectural character within the specific plan area ensuring that excellence in design is achieved during project development and to ensure compatibility with existing and planned residential uses in the project area. It is reasonable to anticipate that subsequent development of the MSJC Site would appropriately conform to the standards and guidelines in any specific plan developed for the site. The density of proposed residential uses on site is similar to that previously planned and approved for the RSG SP located south and east of the MSJC Site, and would be complementary to the existing campus uses, as well as the employment and commercial opportunities provided by the Development Project located west across Sunset Avenue. Therefore, adoption of the MSJC Entitlements or subsequent residential development on the MSJC Site would be consistent with this policy.

- **Policy 6:** The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.

**Consistent:** Any future residential development project occurring on the MSJC Site would be accomplished through a specific plan and would be consistent with the zoning for VHDR residential districts which allows for clustered housing, open space, common area amenities, etc. The MSJC Entitlements are consistent with the 2006 General Plan, Zoning Ordinance, and other applicable plans and policies. As stated previously, a companion action to the MSJC Entitlements is the establishment of a Specific Plan Overlay for the MSJC Site. Specific plans are a mechanism to ensure that projects develop in an organized and cohesive manner. Future development of the MSJC Site with a specific plan would include a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, and urban design and landscape plans. Any development of VHDR housing, would be subject to the guidelines established by a specific plan that would need to be approved by the City, and that would ensure consistency with applicable City policies for the creative and flexible design of residential projects. The MSJC Entitlements are consistent with this policy.

As the MSJC Entitlements and any subsequent development that may occur pursuant to the MSJC Entitlements would not significantly divide any community or conflict with any land use plan, policy,

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<sup>38</sup> RBF Consulting. 2015. Rancho San Gorgonio Specific Plan. January.



or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and no impact would occur.

**Level of Significance Prior to Mitigation:** No Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

## 5.4.12 Mineral Resources

### 5.4.12.1 Environmental Setting

Areas known as Mineral Resource Zones (MRZs) are classified according to the presence or absence of significant deposits. As identified in the Energy and Mineral Resources Element of the General Plan, MRZ-3 is the predominant designation throughout most of the City, including the MSJC Site. The MRZ-3 designation indicates an area contains known or inferred mineral occurrences of unknown significance. As stated in **Section 4.12.3** of this EIR, the Banning Quarry, operated by Robertson's Ready Mix, is the only aggregate producer in the City of Banning. The Banning Quarry is mined for rock, sand, and base materials used for concrete and construction. The quarry is located in the MRZ-2 zone in the eastern portion of the City, approximately 2.8 miles northeast of the MSJC Site. Based on a review of current aerial photography, there is no indication of current or past occurrence of mineral extraction or processing on the MSJC Site.

Information on mineral resources on the MSJC Site was compiled from published literature, maps, and aerial photographs to determine the potential for the MSJC Entitlements to impact mineral resources.

### 5.4.12.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to mineral resources. A significant impact would occur if the MSJC Entitlements:

- Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the State; or
- 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.

The laws, regulations and City policies related to mineral resources have been previously identified in **Section 4.12.4** of this EIR and would apply to any development of the MSJC Site.

**Loss of a Known Mineral Resource Valuable to the Region and State.** The application for MSJC Entitlements does not authorize any development on the MSJC Site; however, residential development could be authorized in the future following adoption of a specific plan. According to the California Geological Survey (CGS), the MSJC Site is mapped as MRZ-3, an area containing known or inferred mineral occurrences of undetermined mineral resource significance and is not mapped as



containing known PCC-grade aggregate resources.<sup>39</sup> Although the MSJC Site is mapped as an MRZ-3, it can be reasonably inferred that mineral resources of importance to the region or State are not located on the site for the following reasons: (1) a review of historic areas from 1966 onward does not indicate any evidence mineral resources recovery has occurred on the MSJC Site,<sup>40</sup> and (2) the State Mining Board does not designate the MSJC Site as a regionally significant PCC-grade aggregate resource nor does the City's General Plan designate the MSJC Site as a mineral resource land use designation that allows for mineral extraction. As no evidence suggests significant mineral resources are located on the MSJC Site and because neither the State nor City has designated the site for mineral recovery, the MSJC Entitlements and any subsequent residential development would not impact the availability of a known or valuable mineral resource.

**Loss of Availability of a Locally Important Delineated Mineral Resource Site.** The State Mining Board does not designate the MSJC Site as a regionally significant PCC-grade aggregate resource nor does the City's General Plan designate the MSJC Site with a mineral resource land use designation that allows extractive uses. The Banning Quarry, operated by Robertson's Ready Mix, is the only aggregate producer in the City. This quarry is mined for rock, sand, and base materials used for concrete and construction. The quarry is located in the MRZ-2 zone in the eastern portion of the City, approximately 2.8 miles northeast of the MSJC Site. Based on a review of current aerial photography, there is no indication of current or past occurrence of mineral extraction or processing on the MSJC Site. Adoption of the proposed MSJC Entitlements or subsequent development of the site would not conflict or interfere with a locally important mineral resources site delineated on any City planning document; therefore, no impact would occur.

**Level of Significance Prior to Mitigation:** No Impact for MSJC Entitlements or future development of VHDR.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

## 5.4.13 Noise

### 5.4.13.1 Environmental Setting

The primary existing noise sources surrounding the MSJC Site are transportation facilities. Traffic on I-10, Sunset Avenue, Westward Avenue, and other local streets contribute to the ambient noise levels in the project vicinity. The Union Pacific Railroad (UPRR) line, which also carries Amtrak trains, is located north of the MSJC Site (but intervening residences separate the rail line from the MSJC Site). Both freight and passenger train operations contribute to the existing noise environment. Noise from motor vehicles is generated by engines, the interaction between the tires and the road, and the vehicles' exhaust systems. The rail line and I-10 are located approximately 1,960 and 2,250 feet, respectively, north of the MSJC Site. Noise-sensitive land uses in the project vicinity include:

<sup>39</sup> California Department of Conservation. Mineral Land Classification Map Aggregate Resources Only, San Bernardino P-C Area.

<sup>40</sup> Historic Aerials. n.d. Website: <https://www.historicaerials.com/viewer>, viewed February 9, 2023.



- **North:** Single-family residences north of Westward Avenue.
- **South:** Current: undeveloped. Planned, medium-density uses within the RSG SP.
- **East:** Undeveloped land and natural topography.
- **West:** MSJC campus facilities.

The proposed industrial and commercial uses of the Development Site would be located to the east of the MSJC Site across Sunset Avenue.

The nearest short-term ambient noise measurement to the MSJC Site (short-term measurement location ST-3), located at the northeast corner of Sunset and Westward Avenues recorded an ambient noise level of 55.6 dBA  $L_{eq}$  and a CNEL of a 55.5 dBA.<sup>41</sup> Contributors to short-term noise at this location included very light traffic on Sunset Avenue and Westward Avenue and wind noise. The long-term (24-hour) ambient noise measurement nearest (LT-2) to the MSJC Site, located on the east side of Sunset Avenue, approximately 1,050 feet north of Westward Avenue, recorded daytime noise ranging from 75.4 to 86.1 dBA  $L_{max}$ , nighttime noise ranging from 74.9 to 83.8 dBA  $L_{max}$ , and a CNEL of 66.7 dBA. Contributors to long-term noise was traffic on I-10 and Sunset Avenue and construction activities on Sunset Avenue north of the monitoring location. Existing traffic noise levels on Westward Avenue (east of Sunset Avenue) has been modeled as 57.7 dBA CNEL (50 feet from centerline of the outmost lane).

#### 5.4.13.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to noise resources. A significant impact would occur if the MSJC Entitlements:

- Result in the generation of a substantial temporary or permanent increase (defined as an increase of 3 dBA or more) 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;<sup>42</sup>
- Result in the generation of excessive ground-borne vibration or ground-borne noise levels; or
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

The laws, regulations and City policies related to noise resources have been previously identified in **Section 4.13** of this EIR and would apply to any development of the MSJC Site. Sections 8.44.070 and 8.44.080 of the City's Municipal Code have established exterior maximum day and night noise levels for residential uses. The City's General Plan Noise Element has established maximum outdoor noise

<sup>41</sup> See Tables 4.13.A-C in Section 4.13 of this EIR.

<sup>42</sup> As stated in Section 4.13, the City's General Plan and Municipal Code does not define substantial noise increase. An increase of 3 dBA or more would be barely perceptible to the human ear in an outdoor environment. Therefore, as a conservative approach, an increase of 3 dBA or more is considered to be a substantial noise increase. A noise impact occurs when the project results in a substantial permanent or temporary increase **and** when noise levels exceed standards established in the local General Plan, noise ordinance, or applicable noise standard.



levels in residential areas, the allowable exterior ambient noise levels for various land uses, and contain policies and actions required to meet the City's noise-related goals. The maximum outdoor noise level in residential areas is 65 dBA CNEL.

Section 8.44.090(E) of the City's Municipal Code permits construction activities to exceed the maximum noise levels as shown in **Table 4.13.G** between the hours of 7:00 a.m. and 6:00 p.m. However, the City prohibits construction activities to exceed 55 dBA for more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

**Increase in Ambient Noise.** The application for MSJC Entitlements does not authorize any development on the MSJC Site, and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Typically, construction noise levels would reach up to 85 dBA L<sub>max</sub> (82 dBA L<sub>eq</sub>) at a distance of 50 feet. A doubling of the energy of a noise source, such as a doubling of traffic volume, would increase the noise level by 3 dBA. Similarly, dividing the energy in half would result in a decrease of 3 dB (the generally accepted level of human perception). Noise generated during construction is dependent on the type, duration, location, and intensity of use of construction equipment and will vary during development within the MSJC Site. A 6-foot-high block wall along the northside of Westward Avenue would provide a minimum noise attenuation of 5 dBA. No such wall currently exists at the existing campus facilities. As established in **Table 4.13.U**, traffic noise along Westward Avenue (east of Sunset Avenue) in 2045 condition was estimated at 56.9 dBA CNEL, which would not exceed the City's CNEL noise standard (65 dBA).

While no noise impact would result from adoption of the MSJC Entitlements themselves, construction and occupation of VHDR uses on the MSJC Site would generate noise that may be perceptible at adjacent noise sensitive uses. Construction is undertaken in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases change the character of the noise generated on a project site. Therefore, the noise levels vary as construction progresses. Ambient noise levels at the corner of Sunset and Westward Avenues are 55.5 dBA CNEL. Construction noise would contribute 2.2 dBA to this level. Such an increase would not be perceptible to the human ear in an outdoor environment.<sup>43</sup> While construction activities would be limited to the hours between 7:00 a.m. and 6:00 p.m. and the maximum permissible noise level for construction activities of 55 dB(A) can be exceeded only for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school, subsequent development of the MSJC Site would require compliance with the City's General Plan and Municipal Code to identify and mitigate for any temporary and long-term noise generated during the construction or occupation of VHDR uses on the site. It is reasonable to anticipate the specific nature of any future potential noise impact (and the noise mitigation measures deemed necessary and appropriate) would be identified upon completion of a project-specific noise impact assessment for any proposed subsequent development on the MSJC Site, and that such an assessment would need to be completed and submitted to the City for review and approval (**MSJC Site MM NOI-1**). Because

<sup>43</sup> Assuming the unlikely scenario where construction traffic noise associated with MSJC Site development equals that occurring with Development of the Development Site, a traffic noise increase of up to 7.4 dBA would occur. Less intensive construction traffic associated with MSJC Site development would reduce construction traffic noise accordingly.





the proposed MSJC Entitlements would not result in any physical development as a result of adoption, no generation of a substantial temporary or permanent increase in ambient noise levels in the city would result and no impact would occur.

Operation of the residential units would likely result in increased ambient noise levels related to use of equipment (e.g., landscaping or air conditioning) and vehicles. In the absence of a site-specific project design, noise impacts associated with occupancy of the residential units that would be developed on the MSJC Site are unknown. As required by **MSJC Site MM NOI-1**, a project-specific noise and vibration impact assessment would be prepared and submitted to the City for review and approval for any proposed development. Because the proposed MSJC Entitlements would not result in any physical development as a result of adoption, no generation of a substantial permanent increase in ambient noise levels in the city would result and no impact would occur.

**Excessive Vibration.** Generally, the greatest level of potential vibration would occur during site preparation and grading of the MSJC Site. Depending on the type of equipment used during construction, typical levels of vibration may reach 94 VdB (0.210 PPV [in/sec]),<sup>44</sup> when measured at 25 feet from the source. This level of vibration would likely exceed the community annoyance threshold of 78 VdB for daytime residences and school uses. This level of community annoyance typically occurs only with the use of vibratory rollers during roadway paving operations, which are temporary and intermittent. Other pieces of construction equipment at the closest building structure would generate lower vibration levels and receptors would experience lower vibration levels because they are farther away. The nearest sensitive receptors are the existing residential structures north of Westward Avenue (50 feet north) and the existing MSJC campus, which is immediately adjacent to the undeveloped portion of the MSJC Site. In the absence of a site-specific project design, vibration impacts resulting from operation of construction equipment are unknown. As required by **MSJC Site MM NOI-1**, a project-specific noise and vibration impact assessment would be prepared and submitted to the City for review and approval for any proposed development.

Once future residents move in to the VHDR development, vibration levels generated by traffic on local roadways would be unusual for on-road vehicles because the rubber tires and suspension systems of vehicles typically provide vibration isolation. The specific impacts of physical development of the MSJC Site would need to be confirmed at the time of proposed development. It is reasonable to anticipate though that vibration levels generated from project construction activities and occupation of VHDR uses on the MSJC Site would be less than significant. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no impact from noise is anticipated from adoption of the proposed entitlements.

**Airport Noise.** The MSJC Site is located approximately 3.0 miles west of the Banning Municipal Airport. As the MSJC is located outside the boundaries of any Airport Influence Area established for Banning Municipal Airport, no airport hazard to future residential uses on the MSJC would occur. The MSJC Site is located more than 2.5 miles outside the 65 dBA CNEL noise contour established for the airport; therefore, any future residential uses on the MSJC Site would not be exposed to significant levels of

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<sup>44</sup> Vibration resulting from Vibratory rollers (see Table 4.13.V in Section 4.13 of this EIR.)



noise and no impact would result from adoption or implementation of the proposed MSJC Entitlements or subsequent residential development.

**Level of Significance Prior to Mitigation:** The MSJC Entitlements themselves would not result in a physical disturbance or change of activity on the MSJC Site; therefore, no noise impacts would result from these actions and no impact would occur. Subsequent development of the MSJC Site would generate a potentially significant increase in ambient and excessive vibration noise during construction and occupation of VHDR uses, and no significant impact from airport noise; therefore, implementation of mitigation related to potential ambient noise increase and excessive vibration is required.

#### **Regulatory Compliance Measures and Mitigation Measures:**

**MSJC Site MM NOI-1** As part of the project application, the applicant of future development on the MSJC Site shall prepare and submit to the City for review and approval a project-specific noise impact assessment evaluating noise impacts associated with construction and operation of the project residential uses. The noise and vibration impact assessment shall identify mitigation measures to reduce noise impacts. Prior to the issuance of building permits, the applicant of future development shall provide evidence to the City, that the measures, features, and/or design recommendations detailed in any such assessment are incorporated into any future development on the MSJC Site.

**Level of Significance After Mitigation:** Upon implementation of the stated mitigation, including the implementation of project features and design recommendations detailed in a development-specific noise assessment, noise impacts related to development of subsequent residential development on the MSJC Site would be less than significant.

### **5.4.14 Population and Housing**

#### *5.4.14.1 Environmental Setting*

The MSJC Site is located in the City. The City is characterized by urban areas, including single-family and multifamily residential uses and concentrations of retail, office, and industrial uses surrounded by land that has traditionally been utilized for farming, cattle grazing, and equestrian uses. The City had an estimated a population of 30,683 persons as of July 2022.<sup>45</sup> By 2045, the City's population is expected to increase to 41,500 persons.<sup>46</sup>

Currently the campus facilities are developed on three parcels, which collectively encompass 8.3 acres of the 49.2-acre MSJC Site. Campus facilities include one administration building, two classroom buildings, and one ancillary building. The single-story buildings are utilitarian in design with little

<sup>45</sup> United States Census Bureau. n.d. Website: <https://www.census.gov/quickfacts/fact/table/banningcitycalifornia/PST045222> (site accessed July 25, 2023).

<sup>46</sup> Connect SoCal Demographics and Growth Forecast, Table 14. Website: [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_demographics-and-growth-forecast.pdf?1606001579](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579) (accessed July 24, 2023).



façade articulation and curvilinear roofs. With the exception of the campus facilities, the MSJC Site is undeveloped. No residential units are present on the MSJC Site; therefore, no unplanned population currently resides on the property.

As stated previously, the City is shifting capacity for 1,146 residential units to the MSJC Site, but with the Zone Change, the MSJC Entitlements would allow for up to 1,181 units on the MSJC Site, resulting in up to 35 additional housing units than currently permitted. Therefore, the MSJC Entitlements are consistent with existing City planning documents and will not result in an unplanned increase in City population or jobs.

#### 5.4.14.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to population and housing. A significant impact would occur if the MSJC Entitlements:

- 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); or
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The laws, regulations and City policies related to population and housing have been previously identified in **Section 4.14.4** of this EIR and would apply to any development of the MSJC Site.

**Induce Substantial Unplanned Growth.** The Development Project would amend the General Plan land use designation and rezone 9.0 acres of High Density Residential and 64.5 acres of Medium Density Residential within the Northern Portion of the Development Site. This change in land use designation would result in the reduction of the City’s residential inventory by up to 1,146 units. To maintain compliance with applicable provisions of SB 330, the City has initiated a General Plan Land Use Amendment (GPA) and a change to the Official Zoning Map (ZC), to change the land use and zoning on the MSJC Site from PF-S to VHDR, with a density range of 18–24 dwelling units per acre. These changes would create a residential capacity of not less than 1,146 residential units, and up to 1,181 units on the MSJC Site, which offsets the reduction of residential capacity on the Development Site. No significant increase in the inventory of residential units, and therefore no unplanned increase in population, in the City would result from adoption of the proposed MSJC Entitlements or any subsequent development of residential uses on the MSJC Site.

The application for MSJC Entitlements does not authorize any development on the MSJC Site, and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Any such development would add infrastructure onto the previously undeveloped portions of the MSJC Site. However, it is expected these improvements will be tied into existing or planned infrastructure for the development of the residential units. Moreover, these residential units were previously planned for the nearby Development Site. As noted previously, the MSJC Site is surrounded by existing (north) and approved residential units (the RSG SP to the south), and the proposed Development Site, and would not require the extension of roads or utility



facilities to or through an area where no such facilities current exist. Therefore, neither the MSJC Entitlements nor any subsequent residential development should it occur would induce unplanned population growth not previously anticipated. As the MSJC Entitlements and subsequent residential development would not create or induce new unplanned population growth, no significant impact would occur.

***Displace Substantial Numbers of Persons/Housing.*** There are no residential structures or residents currently located either on the Development Site or the MSJC Site. While the proposed MSJC Entitlements would accommodate the subsequent development of VHDR uses on the MSJC Site, as no persons reside on the property, neither the entitlements nor subsequent residential development would displace persons or housing and no impact would occur.

**Level of Significance Prior to Mitigation:** No Impact.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** No Impact.

#### 5.4.15 Public Services

##### 5.4.15.1 Environmental Setting

The MSJC Site is located entirely within the City. As stated previously, development on the MSJC Site is currently limited to MSJC campus facilities located at the southwest corner of Sunset and Westward Avenues. Current and future development that may occur on the MSJC Site would be served by the following providers:

- Fire Protection (Riverside County Fire Department [RCFD])
- Police Protection (Banning Police Department [BPD])
- Public Schools (Banning Unified School District [BUSD])
- Parks (City of Banning Recreation and Community Services Department)
- Other Public Services - Public Libraries (Riverside County Public Libraries [RCPL])

**Section 4.15.3** of this EIR provides a comprehensive summary related to each of these service providers. Note that these are the same providers that would have served the residential units if they had been developed on the adjacent Development Site as provided for in existing land use and zoning, so no increase in response time or facilities is anticipated as a result of moving the location of the units to the MSJC Site.

##### 5.4.15.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to public services. A significant impact would occur if the MSJC Entitlements:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain



acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

The laws, regulations and City policies related to public services have been previously identified in **Section 4.15.4** of this EIR and would apply to any development of the MSJC Site.

New development in the City will require the funding of public services and facilities to meet the needs and expectations of the community. Chapter 15.68 (Development Impact Fees) of Banning's Municipal Code identifies requirements to fund required facilities for fire and police protection facilities, general City facilities, traffic control features, parkland and park facilities, and wastewater facilities. California Education Code §17620 allows school districts to levy a fee, charge, dedication, or other requirement against any development project within its boundaries for the purpose of funding the construction or reconstruction of school facilities. Facilities planning is routinely conducted by the City and/or individual service providers to assess needs to maintain adequate service ratios and response times.

Currently, existing public service demand originating from the MSJC Site is limited to that provided to MSJC campus facilities. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. The transfer of residential capacity from the Development Site to the MSJC Site does not represent a significant increase in the number of residential units or increase in unplanned population not previously accounted for in public facility planning or funding programs in the area of the MSJC Site.

The City prepared the *Development Impact Fee Update Study* in August 2019 to outline and update development impact fees (DIF) that are imposed on developers building in the City to fund public services. It is the City's intent that the costs representing future developments' share of public facilities and capital improvements be imposed on development in the form of a DIF for Police Facilities, Fire Facilities, Parks and Recreation Facilities, General City Facilities, Wastewater Facilities, and Water Facilities. The following outlines the developer impact fees that would be imposed by the City on any residential development of the MSJC Site which include:<sup>47</sup>

- Police Facilities Developer Impact Fee (per unit): single-family, \$1,200, multifamily, \$982.
- Fire Protection Facilities Developer Impact Fee (per unit): single-family, \$746, multifamily, \$610.
- Parkland and Parks (per unit): single-family, \$3,840, multifamily, \$3,142.
- General City Facilities Developer Impact Fee (per unit.) single-family, \$521, multifamily, \$426.

The amount of fees collected is dependent on the type and number of residential units proposed. Note, the fees cited above reflect the current level of City imposed fees. As it is not known when residential development on the MSJC Site would occur, the applicant of the future physical development of residential units would pay the fees in effect at the time due under City ordinance. The development impact fees collected by the City would only fund the developments' share of public facilities impact related to new development in the City of Banning, and not facility needs required by existing development or by development outside of the City.

<sup>47</sup> City of Banning. 2019. Table E.1, City of Banning Development Impact Fee Update Study. August.



Since the MSJC Entitlements transfer the residential capacity formerly located on the Development Site to the MSJC Site located adjacent to the Development Site (across Sunset Avenue), the MSJC Entitlements would not result in a significant increase in the inventory of residential units, and therefore no unplanned increase in population, in the City, and the need for public services will not increase.

**Fire Protection.** The proposed MSJC Entitlements do not increase the number of planned residential units in the City, nor would they result in an unplanned increase in the resident population. Rather, the proposed MSJC Entitlements transfer the residential capacity formerly located on the Development Site to a site located directly adjacent to (across Sunset Avenue) the Development Site. Due to the adjacency of the MSJC Site to the Development Site, no increased delay in travel from existing fire protection providers is anticipated.

The transfer of residential capacity from the Development Site to the MSJC Site does not represent an unplanned increase in number of residential units or population not previously accounted for in fire protection facility planning or funding programs. As the DIF program has already accounted for the population associated with the residential units on the Development Site, it is reasonable to anticipate that the fire protection fees established in the DIF program adequately provide for any demand for fire protection services that may result from the subsequent development of VHDR uses on the MSJC Site. As the payment of these fees is required for any development in the City, it is reasonable to conclude no significant impact to fire protection service and facilities will result from the proposed development of the MSJC Site with residential uses. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no impact on fire protection services is anticipated from adoption of the MSJC Entitlements.

**Police Protection.** As stated previously, the proposed MSJC Entitlements do not significantly increase the number of residential units in the City, nor would they result in an unplanned increase in the resident population. Rather, the adoption of the MSJC Entitlements would transfer the residential capacity from the Development Site to a site located directly adjacent to (across Sunset Avenue) from the Development Site. Due to the adjacency of the MSJC Site to the Development Site, no increased delay in police response would occur.

The City's *Development Impact Fee Update Study* (August 2019) documents the impact fee for police facilities to ensure that new development provides adequate funding to meet the City's needs. The fee impact analysis identifies existing and future service population (residents plus workers) and existing and planned police facilities. The City may use the police facilities fee to pay for the debt service on the existing police facilities and/or for the construction or purchase of buildings, equipment and land that are part of the system of police facilities serving new development. The MSJC Entitlements would not result in a significant increase in the number of residential units as the proposed action merely transfers existing residential capacity and the corresponding demand for police protection services to a different, nearby site within the City. As the DIF program has already accounted for the population associated with the units on the Development Site, it is reasonable to anticipate that the police facilities fee established in the current DIF program (or whatever DIF program is in effect at the time of proposed physical development of residential units) adequately provides for any increased demand for police services that may result from the subsequent development of VHDR uses on the MSJC Site. As the payment of police facility fees is required for any



development in the City, a less than significant impact to police service and facilities will result from the future development of the residential units. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no impact on police protection services is anticipated from adoption of the MSJC Entitlements.

**Schools.** As detailed in Table 4.15.A, the BUSD was operating over capacity in the 2022–2023 school year by 175 students. Based on the capacity shortage, BUSD is justified to collect its current development impact fee of \$4.08 per square foot of residential uses and \$0.66 per square foot of commercial/hotel-motel uses. Based on student generation rates detailed in the BUSD’s *Fee Justification Report*,<sup>48</sup> existing residential uses on the Development Site would generate a student population of 419 students if 1,146 residential units are constructed, and 432 students if 1,181 residential units are constructed. The MSJC Entitlements would not result in a significant increase in student population, as the proposed action merely transfers the residential capacity and the corresponding potential increase in student population to a different site within the jurisdictional boundaries of the BUSD. The student generation associated with the proposed MSJC Entitlements and any subsequent development of VHDR uses has already been accounted for in the facilities and fee planning completed by the BUSD. The payment of school fees (as established and ratified by the BUSD) by the developer of the residential units would provide full mitigation of potential impacts on school facilities that may result from development of VHDR uses on the MSJC Site in the future (pursuant to California Government Code Section 65996). The proposed actions would not significantly increase the number of residential units within the jurisdiction of the BUSD, and with payment of school fees that are required of all development, no significant impact to school facilities would result from subsequent development of VHDR uses on the MSJC Site. In addition, since no development is planned as a result of City adoption of the MSJC Entitlements, no impact on schools would occur with adoption of the MSJC Entitlements.

**Parks.** The City does not meet its current standard of five acres of parkland per 1,000 residents; however, the MSJC Entitlements would not result in a significant change in the number of residential units in the City since the units are only being transferred from the Development Site to the MSJC Site. As the proposed MSJC Entitlements would not result in the physical development of any residential units, no increase in the demand of park facilities would occur. As is required with all projects, future residential development on the MSJC Site would be required to pay applicable per unit fees to provide for future park facilities.

**Governmental Facilities and Libraries.** This analysis focuses on libraries as other public facilities (i.e., City Town Hall and City Departments) have been developed to accommodate the build-out population of the City. The City’s general government facilities inventory consists of administrative space at City Hall, a corporation yard, and an animal shelter. These facilities serve both residents and businesses. Therefore, demand for services and associated facilities are based on the City’s service population including existing and future residents and workers. The proposed MSJC Entitlements do not significantly increase the number of residential units in the City, nor would they result in an unplanned increase in the resident population. Rather, the proposed actions transfer the residential units from

<sup>48</sup> The overall student generation rate is 0.3657 student per residential unit. Table VI, District Wide Student Generation Rates, *Banning Unified School District Fee Justification Report for New Residential and Commercial/Industrial Development*, SDFCA, May 2020.



the Development Site to the MSJC Site. The City's Development Impact Fee Update Study documents the impact fee for general city facilities to ensure that new development provides adequate funding to meet City needs. As the DIF program has already accounted for the population associated with the units on the Development Site, it is reasonable to conclude the fee for government facilities established in the DIF program adequately provides for any increased demand for these facilities. Furthermore, as the payment of DIF fees is required for any development in the City, it is reasonable to conclude no significant impact to government facilities resulting from physical development of residential units on the MSJC Site would occur. Since no development is planned as a result of City adoption of the MSJC Entitlements, no impact on government facilities would occur at all, and no payment of fees would be required.

Demand for library services is typically determined based on the size of the resident population. Based on the residential occupancy rate for multifamily (VHDR) uses, the estimated population of the MSJC Site conservatively would be up to 2,953 residents. The Banning Library District (BLD), a California Special District, is funded by property tax revenue. The annual estimate of costs of BLD operations is furnished to Riverside County and the tax required to fund library functions is computed, entered upon the tax rolls, and collected in the same manner as County taxes are computed and collected. All money collected is sent to County treasury to the credit of the BLD. The proposed actions would not alter this funding mechanism; therefore, no significant impact would result from the subsequent development of VHDR uses on the MSJC Site, and no impact would result from the proposed adoption of the MSJC Entitlements.

**Level of Significance Prior to Mitigation:** No Impact from adoption of MSJC Entitlements; impact from development of MSJC Site after payment of DIF fees.

**Regulatory Compliance Measures and Mitigation Measures:**

**MSJC Site RCM PS-1** Prior to commencement of construction activities for any development on the MSJC Site pursuant to the MSJC Entitlements, the applicant for said development shall provide evidence that applicable and appropriate Development Impact Fees and School Impact Fees have been paid.

**Level of Significance After Mitigation:** No Impact.

## 5.4.16 Recreation

### 5.4.16.1 Environmental Setting

There are currently seven developed public parks within the City that range in size from the approximately 0.33-acre Carpenter-Hamilton Park to the 20-acre Dysart Equestrian Park. The current parkland inventory in the City totals 66.7 acres, which includes both active and passive recreational areas. These areas consist of sports fields, picnic and play areas, and other recreational structures and facilities. The City's Community Center/Municipal pool occupies an additional 14 acres. The nearest existing parks to the MSJC Site are Dysart Park and Sylvan Park, located 0.25 mile east and 0.75 mile north, respectively. The nearest private recreational facility is the Sun Lakes Community Association Golf Course 1.5 miles west of the MSJC Site. In addition, the Development Project includes a 5.0-acre passive park that will be dedicated to the City. No recreation facilities are currently located or planned





within the limits of the MSJC Site, and it is not possible at this time to anticipate whether the specific plan required for development of residential units on the MSJC Site would include a public park.

#### 5.4.16.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to recreation. A significant impact would occur if the MSJC Entitlements:

- 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; or
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The laws, regulations and City policies related to recreational resources have been previously identified in **Section 4.16.4** of this EIR and would apply to any development of the MSJC Site. As appropriate, the City and a future development may agree on the dedication of land or payment of fees in lieu (or a combination of both) for the purposes of providing required park and recreational facilities.

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. The City's General Plan identifies a standard of five acres of parkland per 1,000 residents. Population estimates from July 2022 indicate the population of Banning is 30,683 residents. The transfer of residential capacity from the Development Site to the MSJC Site would not cause an unplanned increase in residential units or population in the City that was not previously accounted for in planning or funding programs for park and/or recreation facilities. As previously stated, Chapter 15.68 (Development Impact Fees) of Banning's Municipal Code identifies requirements to fund required public facilities, including parkland and recreation facilities. Future development of the MSJC Site would undergo site-specific review by the City to ensure the provision of appropriate recreational or park facilities and/or the payment of required fees.

**Increased Use of Existing Facilities.** The proposed MSJC Entitlements transfer residential units from the Development Site to the MSJC Site and conservatively might result in a modest increase in the number of residential units in the City; therefore, population associated with any subsequent VHDR development would not significantly increase the use of existing park facilities.

A future residential development project on the MSJC Site would be required to pay applicable per unit DIF to provide for future parks and park services, and no significant impact from the VHRD development would occur. Since no development is planned as a result of City adoption of the MSJC Entitlements, no impacts associated with the provision of or need for new or physically altered park facilities, or impacts to service ratios, or other performance objectives for park services is anticipated from adoption of the MSJC Entitlements.

**Project Recreation Facilities.** As no specific development for the MSJC Site is proposed at this time, it is not known if public recreation facilities will be provided on the MSJC Site. As permitted by the City,



future development on the MSJC Site may dedicate and/or improve on-site areas for public recreation purposes. The extent to which any such on-site dedication/improvement exempts development from or lessens the amount of payment of required park fees would be determined at the time a specific plan proposing actual physical development is proposed. Compliance with such dedication requirements or payment of required park fees would likely result in no significant impact resulting from development of VHDR on the MSJC Site. Since no development is planned as a result of City adoption of the MSJC Entitlements, however, no impact on recreation facilities is anticipated from adoption of the MSJC Entitlements.

**Level of Significance Prior to Mitigation:** No Impact from adoption of MSJC Entitlements; impact from development of MSJC Site after payment of DIF fees.

**Regulatory Compliance Measures and Mitigation Measures:**

**MSJC Site RCM REC-1** Prior to commencement of construction activities for any development on the MSJC Site pursuant to the MSJC Entitlements, the applicant for said development shall provide evidence that applicable and appropriate Development Impact Fees for recreation and park facilities have been paid.

**Level of Significance After Mitigation:** No Impact.

## 5.4.17 Transportation

### 5.4.17.1 Environmental Setting

The City's current General Plan Circulation Element identifies the existing transportation conditions in the city, including roadway configuration and capacities. As stated previously, with the exception of existing MSJC campus facilities, the majority of the MSJC Site is undeveloped and does not generate vehicle trips accessing the City's circulation network. Westward Avenue along the MSJC Site frontage is a two-lane Collector Street, as identified in the City's General Plan Circulation Element.

The City is served by the Banning Connect public transit service Routes 1, 5, and 6, which provides access to the MSJC Site via Westward Avenue (Route 6). There are no current bikeways designated in the City. A sidewalk is located on the north side of Westward Avenue. On the south side of this street, sidewalks are installed only along the frontage of the existing MSJC campus.

### 5.4.17.2 MSJC Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to transportation. A significant impact would occur if the MSJC Entitlements:

- Conflict with a program, plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or



- Result in inadequate emergency access.

The laws, regulations and City policies related to transportation have been previously identified in **Section 4.17.4** of this EIR and would apply to any development of the MSJC Site.

***Conflict with Circulation Plans/Policies.*** The MSJC Site is fully located within the City. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan.

Specific improvements that may be required for any subsequent development of the MSJC Site would be determined through the preparation of a project-specific traffic analysis, and necessary improvements as identified in the traffic analysis may be funded through a combination of fee payments to established programs, construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Existing funding programs include:

- **Riverside County Transportation Uniform Mitigation Fee (TUMF):** The TUMF program is administered by the Western Riverside Council of Governments based upon a regional Nexus Study most recently updated in 2016 to address major changes in right of way acquisition and improvement cost factors.
- **City of Banning Development Impact Fee (DIF) Program:** The City of Banning has created its own local DIF program to impose and collect fees from new residential, commercial, and industrial development for the purpose of funding roadways and intersections necessary to accommodate City growth. Under the City's DIF program, the City may grant to developers a credit against specific components of fees when those developers construct certain facilities and landscaped medians identified in the list of improvements funded by the DIF program.
- **Measure A:** Measure A, Riverside County's half-cent sales tax for transportation, was extended by voters in 2002 and will continue to fund transportation improvements through 2039. Measure A funds a wide variety of transportation projects and services throughout the County.

TUMF is a regional mitigation fee program and is imposed and implemented in every jurisdiction in Western Riverside County. The City subjects new development proposals to the requisite City DIF fees at the rates in effect when specific physical development is undergoing review, and the timing of fee determination and payment is specified by City ordinance.

Any future development of the MSJC Site, like any development activity in the City, would adhere to applicable General Plan Circulation Element policies related to the design, installation and maintenance of required circulation features, including those promoting or improving and/or accommodating pedestrian, bicycle, and transit access. Future development permitted on the MSJC Site pursuant to the proposed MSJC Entitlements would be reviewed on a project-specific level for potential transportation-related impacts. Required improvements or mitigation to address any impacts to roadways associated with development of the MSJC Site would be identified during such project-specific review. Development occurring on the MSJC Site would pay required TUMF and DIF



program fees, as well as required fair share contributions for the improvement of streets affected by said development. As no development of the MSJC Site is planned at this time, the proposed MSJC Entitlements would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and no impact would result. Because any subsequent development would be reviewed to assess potential transportation impacts, it cannot be determined whether VHDR development could result in a significant impact or whether payment of required fees and compliance with City requirements would result in a less than significant impact with mitigation.

***Be Inconsistent with CEQA Guidelines Section 15064.3.*** CEQA Guidelines Section 15064.3 states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. The City has identified a number of screening VMT criteria, which would result in a less than significant VMT impact:

- Transit Priority Area (TPA) Screening
- Map Based Screening based on Low VMT Area
- Local-Serving Retail Screening
- Redevelopment Projects
- Local-Serving Community Projects
- Local-Serving Essential Services Projects
- Affordable Housing
- Small Project Screening

In order for a land use development project to result in a less than significant VMT impact, the project need only meet one of the above screening methods.

Without a specific development proposal set out in a specific plan, it is not possible to determine if potential physical development of VHDR units on the MSJC Site might meet one of the City's VMT screening criteria. Development of VHDR uses on the MSJC Site alone does not appear to meet these screening criteria, but that may change depending on the specific plan proposed for physical development of the MSJC Site, whether the multi-family component includes affordable housing, etc., and will need to be evaluated when physical development of the site is proposed. While the proposed MSJC Entitlements would accommodate a transfer of residential density from the Development Site to the MSJC Site, this would not result in a significant increase in residential units or unplanned population beyond that previously considered by the City in its development of its VMT Guidelines. The proposed MSJC Entitlements would not result in the movement of residential capacity to an area of the City that would substantially increase trip lengths (vehicle miles traveled) due to the proximity of the MSJC Site to the Development Site. Therefore, no significant impact on VMT would result from adoption of the MSJC Entitlements.

***Increase Hazards.*** Development of VHDR uses on the MSJC Site likely would increase the amount of traffic on local roadways. However, it is reasonable to anticipate that development of circulation improvements, including required access points to Sunset and Westward Avenues, improvements to the existing roadway network, and construction of new internal roadways to meet City standards would be included with a future development proposal. Proposed driveways would be designed to



not introduce hazards due to geometric design features (e.g., sharp curves or dangerous intersections). In addition, there currently are no incompatible uses near the MSJC Site. Therefore, no significant impact is anticipated from future VHDR development on the Site, and no impact would result from adoption of the MSJC Entitlements.

**Inadequate Emergency Access.** Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Geronio Avenue/SR-243 and its interchange with I-10. Adoption of the proposed MSJC Entitlements is not a physical project that would alter any facility or inhibit the City's Emergency Operations Plan. As subsequent residential development would be reviewed by the City, it is reasonable to anticipate that the City will require site preparation, grading, and construction activities to maintain appropriate emergency access along local roadways both during construction and after residential units are occupied, and that local roadways or access to surrounding properties would not be blocked. Furthermore, such City review would ensure appropriate access to/from any future residential development conforms to applicable City standards. Therefore, no significant constriction of an emergency response plan or evacuation route would result from future VHDR development on the Site, and no impact would result from adoption of the MSJC Entitlements.

**Level of Significance Prior to Mitigation:** No Impact from adoption of MSJC Entitlements; potentially significant impact from development of MSJC Site.

#### **Regulatory Compliance Measures and Mitigation Measures**

**MSJC Site MM TRA-1** Prior to commencement of construction activities for any development on the MSJC Site pursuant to the MSJC Entitlements (as required by the City), the applicant for said development shall provide evidence that an MSJC Site-specific traffic assessment and VMT analysis has been completed. Such assessment/analysis shall identify the appropriate and applicable measures to address potential traffic deficiencies and/or impacts resulting from development of the MSJC Site.

**Level of Significance After Mitigation:** Less than Significant Impact.

### **5.4.18 Tribal Cultural Resources**

#### *5.4.18.1 Environmental Setting*

The area that is now the City of Banning was prehistorically occupied by Native Americans, within the traditional boundaries of the Cahuilla and Luiseño tribal groups. An ethnographic summary of these groups is provided in Section 2.0 of the Cultural Resources Assessment<sup>49</sup> (see **Appendix E-1**) prepared for the Development Project.

<sup>49</sup> Brian F. Smith and Associates. 2022. *A Phase 1 Cultural Resources Assessment of the Sunset Crossroads Project, City of Banning, California*. August 1.



#### 5.4.18.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to tribal cultural resources. A significant impact would occur if the MSJC Entitlements:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. The consultation and notice requirements apply to adoption and amendment of both general plans (Government Code Section 65300 et seq.) and specific plans (Government Code Section 65450 et seq.). Assembly Bill 52 (AB 52) requires a lead agency to begin consultation with each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. The laws, regulations and City policies related to tribal cultural resources are more fully discussed in **Section 4.18.4** of this EIR and would apply to any development of the MSJC Site.

***Change in Significance of Listed or Eligible Tribal Cultural Resource.*** The City requested SB 18/AB 52 consultation from 31 Native American contacts on August 25, 2022, specifically identifying the proposed General Plan Amendment, Zone Change and Specific Plan Overlay for the MSJC Site. The City stated in its consultation request that these actions propose only changes to the City's land use and zoning maps, no construction or physical alterations are proposed or will be authorized under the MSJC Entitlements.<sup>50</sup>

The City received two (2) responses to its consultation request. The Morongo Band of Mission Indians (MBMI) acknowledged that the City only proposes the land use changes and that no construction or physical alterations would occur under these actions. While the MBMI did not have comments, the Tribe noted that any construction or alterations proposed on the MSJC Site would be of interest to the MBMI under SB 18 and AB 52 because the MSJC Site is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the MBMI. The San Manuel Band of Mission

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<sup>50</sup> Note: On November 30, 2020 the City reached out to 31 individuals representing the same tribes provided formally request Tribal Consultation for the Development Project pursuant to AB 52 and SB 18. Responses for this separate consultation effort were received from the Rincon Band of Luiseño Indians; the Morongo Band of Mission Indians, the Soboba Band of Luiseño Indians, and the Agua Caliente Band of Cahuilla Indians. Details of this separate consultation effort are included in Section 4.5 of this EIR.



Indians (SMBMI) stated the MSJC Site is outside of Serrano ancestral territory and, as such, SMBMI would not request consulting party status with the City.

Accordingly, if an applicant formally proposes physical development of a residential project on the MSJC Site to the City, a development-specific cultural resource research and survey is required and must be completed prior to any ground disturbance. This requirement is mirrored in the City's General Plan EIR,<sup>51</sup> "...All development or land use proposals which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase 1 studies and appropriate mitigation measures shall be incorporated into project approval." Additionally, as established by the MBMI, future development activity on the MSJC Site will require initiation of SB 18 and AB 52 consultation between the City and the MBMI. To facilitate any required consultation, and as established in MSJC Site MM CUL-1, a site-specific cultural resource assessment is required prior to the commencement of any on-site ground disturbance on the MSJC Site. The City maintains a standard practice of providing site-specific cultural assessments to interested Tribes for review and comment during the consultation process and prior to final City acceptance of said assessments. As indicated by the MBMI, and as required pursuant to SB 18 and AB 52, consultation between the City and interested Native American parties specific to any future development of the MSJC Site will occur prior to the approval of said development.

The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Therefore, adoption of the MSJC Entitlements will not result in a significant impact. The MSJC Site has been identified as an area of interest to the MBMI and a potential exists that development activities on the site may encounter previously unknown or undetected Native American cultural material. In the event such cultural material is identified, procedures outlined in Mitigation Measures CUL-1 to CUL-6 will be followed, as appropriate. Therefore, any subsequent development of VHDR uses on the MSJC Site is not expected to cause a substantial adverse change in the significance of a tribal cultural resource defined as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k).

***Change in Significance of Tribal Cultural Resource Designated by the City.*** As the MSJC Site has not been formally surveyed and because physical development-specific tribal consultation has not occurred, there is a potential that development of the MSJC Site with residential units could impact Native American cultural resources. Pursuant to the applicable provisions of SB 18 and/or AB 52, the City would be required to request consultation, and as necessary, develop measures for the protection of known or potential Native American cultural material, sites, or resources prior to any subsequent development of the MSJC Site. Adherence to the requirements of SB 18 and AB 52 and upon the implementation of the measures identified below, a less than significant impact related to this issue will result from development of up to 1,181 VHDR units on the MSJC Site. Because adoption of the

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<sup>51</sup> City of Banning. 2005. *Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance*. Section III(G)(3).



proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur.

**Level of Significance Prior to Mitigation:** No Impact from adoption of MSJC Entitlements; potentially significant impact from VHDR development of MSJC Site.

**Regulatory Compliance Measures and Mitigation Measures:** Implementation of the following mitigation would reduce the potential impacts to tribal cultural and historical resources on the MSJC Site as a result of any subsequent physical development to a less than significant level.

**MSJC Site MM CUL-1** The applicant shall complete a Phase 1 Cultural Resources Assessment and submit it to the City for review and approval prior to issuance of grading permits for any development on the MSJC Site. The Cultural Resources Assessment shall be prepared in accordance with applicable requirements of the California Environmental Quality Act (CEQA) by a Secretary of the Interior (SOI) qualified professional and shall include, but not be limited to, an updated archaeological records search, an intensive pedestrian survey, an evaluation of significance of any cultural resources identified, and the preparation of a Phase I report of the findings with recommendation and potential mitigation.

The City has developed mitigation that addresses potential impacts to archaeological/historic resources that may be identified during a site-specific Cultural Resources Assessment. Depending on the outcome of the site-specific Cultural Resources Assessment and as determined appropriate through the required SB 18 and AB 52 consultation process, the following measures identified in **Section 4.5.6.1** of this EIR identified shall be equally applied to any future development of the MSJC Site.

**MM CUL-1** The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. The monitor shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The monitor will conduct an Archaeological Sensitivity Training "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

**MM CUL-2** The qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing, and responsibility of all archaeological and cultural resource activities that occur on the Development Site, in coordination with the Consulting Tribe(s).

**MM CUL-3** Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the





Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a “Sensitivity Workshop” training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.

**MM CUL-4** In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the project applicant shall comply with State Health and Safety Code § 7050.5 and Public Resources Code (PRC) § 5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed.

**MM CUL-5** In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 60-foot buffer of the discovery) or shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist. A treatment plan shall be developed by a qualified archaeologist (meeting SOI standards) in consultation with the Tribe and the City Planning Department to include relinquishment of all artifacts through one of the following methods:

A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. Reburial shall not occur until all cataloguing, analysis, and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a final report.

Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

**MM CUL-6** Any and all cultural documents created as a part of the development of residential units on the MJSC Site (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Consulting Tribe.



**Level of Significance After Mitigation:** Impacts from VHDR development would be less than significant.

## 5.4.19 Utilities and Service Systems

### 5.4.19.1 Environmental Setting

The MSJC Site is located entirely within the City of Banning. As stated previously, existing development on the MSJC Site is currently limited to MSJC campus facilities located at the southwest corner of Sunset and Westward Avenues. Development that may occur on the MSJC Site would be served by the following providers.

- **Electricity:** Banning Electric Utility (BEU)
- **Natural Gas:** Southern California Gas Company (SoCalGas)
- **Solid Waste:** Waste Management, Inc.
- **Wastewater:** City Water and Wastewater Utilities Department (WWUD)
- **Potable Domestic Water:** City Water and Wastewater Utilities Department (WWUD)
- **Storm Drainage:** City Water and Wastewater Utilities Department (WWUD)

Domestic water is provided by City of Banning Public Works and Utilities Department/Banning Heights Mutual Water Company. The 2020 Banning UWMP accounted for water supply for the 1,146 residential units at the Development Site, and the Department's water supply assessment (WSA) shows that existing and future planned water supplies (such as groundwater and imported supplies) and conservation measures, would supply water for the maximum 1,181 VHDR units possible on the MSJC Site along with current and anticipated water demand under all demand scenarios. The WSA prepared for the Development Project (**Appendix K**) demonstrates sufficient water supplies for development of up to 1,181 residential units that may result from adoption and development of the MSJC Entitlements.

Sewage collection and treatment services are provided by the City of Banning Public Works Wastewater Division. Portions of the city continue to operate on individual septic systems. The 2018 Banning Integrated Master Plan (IMP) found that there were a few deficiencies identified in the existing, as well as build-out scenarios. However, the IMP also identified prioritization of capital improvement projects related to these deficiencies. The MSJC campus facilities are served by City sewer services. It is anticipated that residential development on the MSJC Site will be served by sewer service.

Electrical services are provided by the City of Banning Public Works and Utilities Department while SoCalGas provides natural gas to the city. Discussions related to the energy usage (BEU and Southern California Gas) are provided in **Section 4.6** of this EIR.

Solid waste management services in Banning are provided by Waste Management Inland Empire. The Final 2020 Electronic Annual Report for the City of Banning stated that the City is in compliance with goals and State mandates for solid waste disposal, collection, and diversion. Landfills that service the city's waste include Lamb Canyon, El Sobrante, and Badlands, all which have remaining capacity.



#### 5.4.19.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to utility systems. A significant impact would occur if the MSJC Entitlements:

- 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;
- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- 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;
- 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; or
- Conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.

The laws, regulations and City policies related to utility systems have been previously identified in **Section 4.19.4** of this EIR and would apply to any development of the MSJC Site.

**New or Expanded Facilities.** Currently, existing public service demand originating from the MSJC Site is limited to that provided to MSJC campus facilities. The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. Development of the MSJC Entitlements is not expected to significantly increase the number of residential units in the City because the Entitlements merely shift the location of their potential development from the Development Site to the MSJC Site. Therefore, the various utility providers likely have accounted for these units in existing demand/capacity. The MSJC Entitlements are not creating new demand, just slightly shifting where that demand will originate from. However, because it is unknown when development of the residential units would occur, utility demands may change in the future. At the time actual physical development is proposed, improvements to water, wastewater, and stormwater conveyance facilities, electrical and natural gas infrastructure, and telecommunications infrastructure may be required. The type, manner, and location of any such improvements and/or connections would subject to development-specific review by the City, and any required mitigation would be imposed at that time. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur.

**Water Supply.** Per the *Water Supply Assessment*<sup>52</sup> prepared for the Development Project, the maximum 1,181 VHDR units contemplated by the MSJC Entitlements would require a water demand of approximately 734 afy. This annual water demand can be sufficiently accommodated in normal,

<sup>52</sup> Romo Planning Group, Inc. 2022. *Water Supply Assessment Sunset Crossroads Specific Plan*. July 22.



single dry, and multiple dry years<sup>53</sup> as required by Water Code Section 10910 et seq., thereby, ensuring that no significant impact related to the provision of water would result from the development of VHDR on the MSJC Site. As required by the City of all development, connection fees and any other conditions or requirements for connecting to the City's water system would be paid and/or satisfied after a formal proposal for physical development of the VHDR units is submitted to the City.

**Wastewater Capacity.** The proposed MSJC Entitlements would transfer residential capacity from the Development Site to the MSJC Site, which is currently designated PF (Public Facility) by the City. The City's Wastewater Reclamation Facility (WRF) is located at 2242 East Charles Street, approximately 3.25 miles east of the MSJC Site. The WRF has a daily intake capacity of 3.5 million gallons of wastewater and is currently operating at an intake of 2.0 million gallons of wastewater per day. Wastewater generation rates for High-Density Residential Uses is 1,260 gallons/day per acre (gpd/ac).<sup>54</sup> Using this rate, wastewater generation from the MSJC Site conservatively would total approximately 61,992 gpd, or approximately four percent of the of the City's current surplus wastewater treatment capacity. It is reasonable to anticipate that future residential development on the MSJC Site would not exceed the current City wastewater treatment capacity.<sup>55</sup> Therefore, no significant wastewater treatment capacity impact would result from the development of VHDR uses on the MSJC Site. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site or generate wastewater to be processed, no impact related to this issue will occur.

**Landfill Capacity.** Adoption of the MSJC Entitlements would not result in the development of residential uses at this time. The City has complied with State requirements to reduce the volume of solid waste through recycling and reuse of solid waste. The City contracts with Waste Management, Inc. for solid waste collection service from residential, commercial, and industrial uses within the City limits. Three landfills serve the City: Badlands Sanitary Landfill, Lamb Canyon Sanitary Landfill, and El Sobrante Landfill. These landfills have a maximum combined permit capacity of 79.6 million tons of solid waste, and a combined remaining capacity of 38.8 million tons. These landfills have a combined daily maximum permitted throughput of 10,200 tons of solid waste per day. Based on a generation rate<sup>56</sup> of 5.6 pounds/day/person, approximately 8.27 tons of solid waste per day conservatively would be generated if VHDR uses are developed on the MSJC Site at some future point in time. This level of waste represents 0.08 percent of currently permitted daily throughput at receiving landfills (see **Table 4.19.F**) and is not anticipated to be in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals; therefore, it is unlikely that a significant impact would result from any future development of VHDR on the MSJC Site. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site or generate solid waste, no impact related to this issue will occur.

<sup>53</sup> Ibid. Tables 11–13.

<sup>54</sup> City of Banning. 2018. *City of Banning 2018 Integrated Master Plan (IMP) Final Report*, Chapter 3, Table 3.19 Wastewater Flow Factors, page 3-28.

<sup>55</sup> The City's Integrated Master Plan includes assumptions for development of residential units previously proposed as part of the Five Bridges Project (which is located within the limits of the current Development Site).

<sup>56</sup> California Department of Resources Recycling and Recovery (CalRecycle). n.d. Jurisdiction Diversion/Disposal Rate Detail, Jurisdiction: Banning, County: Riverside, Reporting Year: 2021. Website: <https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/slcp/capacityplanning/recycling/JurisdictionDiversionDetail?year=2021&jurisdictionID=34> (accessed May 31, 2023).



**Solid Waste Reduction Regulations.** The City of Banning has complied with State requirements to reduce the volume of solid waste through recycling and reuse of solid waste. The City's per capita disposal rate is below the target of 6.1 pounds/person/day for residents and 30.4 pounds/person/day for employees established by CalRecycle. The *Final 2020 Electronic Annual Report* for the City of Banning stated that the City is in compliance with goals and State mandates for solid waste disposal, collection, and diversion. Household waste recycling services are also provided through the City to comply with State-mandated solid waste reduction goals. Any future residential development on the MSJC Site would be required to comply with applicable City, and State requirements relative to solid waste reduction; therefore, no significant impact would result from VHDR development on the MSJC Site. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site or generate solid waste, no impact related to this issue will occur.

**Level of Significance Prior to Mitigation:** No impact from adoption of MSJC Entitlements; potentially significant impact from VHDR development of MSJC Site.

**Regulatory Compliance Measures and Mitigation Measures:** No Regulatory Compliance Measures or Mitigation Measures are required.

**Level of Significance After Mitigation:** Less than Significant Impact.

## 5.4.20 Wildfire

### 5.4.20.1 Environmental Setting

As previously stated, with the exception of existing campus buildings and ancillary features, the MSJC Site is undeveloped. The MSJC Site is located within a Local Responsibility Area and is designated as a Non-Very High Fire Hazard Severity Zone (VHFHSZ) (see **Figure 4.20-1.**) Due to its location and adjacency to undeveloped areas, the MSJC Site is located in a wildland-urban interface (WUI). As discussed in **Section 5.4.9.1** of this EIR, **MSJC Site MM HAZ-3** requires the preparation of a project-specific fire protection plan for proposed development on the MSJC Site.

It should be noted the approved RSG SP, an 831-acre master planned community, is located south and east of the MSJC Site. The RSG SP aims to provide up to 3,385 residential units of variety of residential densities, lot types and housing types. Areas located within the RSG SP south of the MSJC Site are planned for the development of Medium High Density and Neighborhood Commercial east of the MSJC Site and south of Westward Avenue.

In its FRAP database, CAL FIRE has recorded 138 fires since 1900 that have burned within five miles of the MSJC Site, none of which have burned onto the MSJC Site itself (see **Figure 4.20-3.**)

### 5.4.20.2 MSJC Site Programmatic Impact Analysis

Appendix G of the *CEQA Guidelines* provides the following thresholds related to wildfire hazards. A significant impact would occur if the MSJC Site is located in or near state responsibility areas or lands classified as very high fire severity zone and MSJC Entitlements would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;



- 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;
- 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; or
- 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 laws, regulations and City policies related to wildfire hazards have been previously identified in **Section 4.20.4** of this EIR and would apply to any development of the MSJC Site.

**Emergency Response and Evacuation.** According to the City's General Plan Emergency Preparedness Element, the City does not have established evacuation routes for major emergencies such as wildfire. Sunset Avenue is an important point of access to I-10, while Westward Avenue provides access east to San Geronio Avenue/SR-243 and its interchange with I-10. The City's Emergency Operations Plan outlines the operations of the City of Banning Emergency Operations Center, which is the central management entity responsible for directing and coordinating the various City departments and other agencies in their emergency response. Adoption of the proposed MSJC Entitlements is not a physical project that would alter any facility or inhibit the City's Emergency Operations Plan. As subsequent residential development would be reviewed by the City, it is reasonable to conclude the City will require site preparation, grading, and construction activities to maintain appropriate access along local roadways and that local roadways or access to surrounding properties would not be blocked. All roadways and structures within the MSJC Site would be developed in accordance with City and Riverside County Fire Department (RCFD) emergency access standards. Any development of VHDR uses would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on the Site for emergency vehicles. Furthermore, such requirements would ensure appropriate access to/from any future residential development conforms to applicable City and RCFD standards; therefore, under present planning, no significant constriction of an emergency response plan or evacuation route would occur from future residential development on the MSJC Site, but confirmation may be required at the time physical development of the MSJC Site is proposed to the City. In addition, because adoption of the proposed MSJC Entitlements will not result in any construction of residential units or physical changes on the site, no impact related to this issue will occur.

**Exacerbate Wildfire Risk and Exposure to Wildfire Pollutants.** The application for MSJC Entitlements does not authorize any development on the MSJC Site and none is proposed at this time; however, residential development could be authorized in the future following adoption of a specific plan. While not located within an identified VHFHSZ, the MSJC Site is located approximately one mile from two separate VHFHSZ areas and is located within a wildlands urban interface, and the construction and occupation of future residential uses on the MSJC Site could potentially increase the exposure of persons and/or property to wildfire hazards. As required by the City's development review process,



any such development would be evaluated for wildfire safety when a proposed for physical development of VHDR units is proposed to the City.

Future proposals for development within the MSJC Site would be subject to adopted federal, State, and local development guidelines in existence at that time that govern wildfire, emergency services, and emergency access, including Chapter 8.16 of the City's Municipal Code (which, as amended by the City, incorporates the current California Building and Fire Codes). Furthermore, the City adopted the Multi-Hazard Functional Guidance document in 1996 and the Emergency Operations Plan in July 2007 (updated in 2012) both of which provide guidance for residents, City emergency responders, and businesses in the event a man-made or natural emergency occurs within the City or threatens the City.

As the MSJC Site is currently located in a wildlands urban interface, future residential development may be impacted by future wildland fire events. Future development within the RSG SP may alter the nature of fuel and wildland fire potential, fire behavior, and the potential for exposure to wildfire pollutants on the MSJC Site. Should development on the RSG SP proceed in advance of MSJC Site development, fuel modification zones stipulated in the RSG SP Specific Plan would reduce hazards to future site occupants from wildfires originating offsite, providing additional buffering to any future MSJC Site development. Nonetheless, to address the specific wildland impacts to the MSJC Site, if a plan to physically develop the MSJC Site is proposed, a development specific Fire Protection Plan (FPP) will be required to identify the condition and wildland fire potential at the time MSJC Site development occurs. Such a FPP Plan would conform to City and RCFD<sup>57</sup> requirements. This requirement is detailed in **MSJC Site MM WLD-1**. Furthermore, **MSJC Site MM WLD-2** requires the submittal of evidence that the protective features and preventative measures are fully and appropriately implemented into the design and construction of any development occurring on the MSJC Site prior to the issuance of construction permits. Adherence to these measures will ensure potential wildfire impacts related to potential future VHDR development on the MSJC Site are reduced to a less than significant level. Because adoption of the proposed MSJC Entitlements will not result in any physical changes on the site, no impact related to this issue will occur.

**Infrastructure Exacerbating Wildfire Risk.** Utility and infrastructure improvements required to facilitate development of the MSJC Site will include water, wastewater, drainage, roadway, and electrical transmission features. A new circulation system internal to the MSJC Site and connections to adjacent roadways would be necessary. While the exact location and nature of these required improvements is not known as this time, it is not anticipated they would exacerbate fire risk or result in temporary or ongoing impacts to the environment. Although utilities, including water facilities, sewer facilities, storm drain lines, and power lines would be modified and/or extended throughout the MSJC Site, these improvements would be underground and would not exacerbate fire risk. All utility lines, pipes, utility junction boxes, and transformers would be located underground. Design and implementation of utility and roadway improvements on the MSJC Site would be reviewed and approved by the City's Public Works Department as part of the development review of the site to

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<sup>57</sup> To include compliance with applicable portions of the Riverside County Fire Code (Chapter 8.32 of County's Code of Ordinances) and Ordinances No. 460 and No. 787-9, and the City of Banning's Fire Protection Code (Chapter 8.16 of the City's Municipal Code). where the Riverside County Fire Code and Banning Fire Protection Code differ, the most restrictive requirements are typically implemented.



ensure the proposed uses are compliant with all applicable fire codes, design standards, and regulations. Compliance with these standards would ensure a less than significant impact would occur. In addition, because adoption of the proposed MSJC Entitlements will not result in any construction of residential units or physical changes on the site, no impact related to this issue will occur.

**Level of Significance Prior to Mitigation:** No impact from adoption of MSJC Entitlements; potentially significant impact from VHDR development of MSJC Site.

#### **Regulatory Compliance Measures and Mitigation Measures**

**MSJC Site MM WLD-1** The applicant shall prepare a project-specific Fire Protection Plan, including the identification of required Fuel Management Zones and submit to the City for review and approval in connection with project approval of the VHDR project for the MSJC Site. The Fire Protection Plan shall include the identification of required Fuel Management Zones, and address the applicable requirements, guidelines, and/or standards stated under Chapter 8.16 of the City's Municipal Code and the California Building and/or Fire Codes.

**MSJC Site MM WLD-2** Prior to the issuance of construction permits for any development on the MSJC Site, the applicant of said development shall provide evidence for the City's review and approval that the fire protection measures, features, and/or practices identified in the project-specific Fire Protection Plan have been fully implemented and/or incorporated into the project design.

**Level of Significance After Mitigation:** Less than Significant Impact.