

4 groups sue over housing  
Development's emissions feared  
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**BANNING** - A 1,500-home project in the rural Bench area prompted four lawsuits this week against the city and the largest privately owned developer in the West.

In mid-October, the City Council narrowly approved SunCal Companies' Black Bench development, which will put 1,500 homes on slightly less than 500 acres of grasslands and chaparral at the base of the San Bernardino Mountains.

Four groups filed suit in Riverside County Superior Court this week for environmental concerns ranging from global warming to loss of wildlife.

The groups are the **Center for Biological Diversity**, Highland Springs Resort, Banning Bench Community of Interest, and Cherry Valley Pass Acres.

"I think this will be a groundbreaking issue for us," said **John Buse**, an attorney for the **Center for Biological Diversity**. "We felt for a long time the issue of new housing and its effects on global warming has been completely ignored."

This could be the first California Environmental Quality Act case that has charged a development with contributing to global warming, **Buse** said.

Cities are not required to analyze greenhouse-gas emissions in environmental impact reports for housing projects, but they are required to examine and disclose all environmental impacts.

Environmentalists are concerned about the carbon dioxide emissions that will come from increased automobile trips in Black Bench, and a new energy demand for such necessities as heating and cooling the homes.

"The city of Banning refused to even consider these emissions in the environmental-impact report," said **Kassie Siegel**, director of **CBD**'s Climate, Air and Energy Program. "It would be fundamentally unfair to allow a major new source of greenhouse-gas emissions like the Black Bench project to escape review."

SunCal officials could not be reached for comment.

Mayor John Machisic said he could not respond to the lawsuits because the council has yet to confer with the city attorney.

"Once we receive it and analyze it, we'll respond," he said.

This isn't the first opposition the city has seen to the Black Bench project.

When the council discussed it in October, hundreds of people turned out to voice their disapproval. Television screens had to be set up so people could watch from outside council chambers.

The project was approved with a 3-2 vote. Council members Sue Palmer and Barbara Hanna voted against it.

"When you have 500 to 600 people at the council meeting and they have concerns over a project, obviously we haven't addressed all the concerns," Palmer said.

Choosing a primary access road would have eliminated a lot of the tension, she said.

The plans for Black Bench do not include an access road. Ideas have included coming off Highland Springs Avenue, Highland Home Road or extending Sunset Avenue.

John Benfield, chairman of Banning Bench Community of Interest, said his group filed suit because of the unknown road, environmental concerns and possible fire danger.

"This Black Bench project abuts the national forest. Look to (the) northeast, you can see nothing but brown trees," said Benfield, a retired firefighter. "It's a very, very dangerous place to have a lot of people."

The group doesn't expect to stop the project, Benfield said, but they would like to see the number of houses reduced.

That is a sentiment shared by Councilwoman Barbara Hanna, who said she voted against the development because of the environmental effects caused by high density.

The county requirement in the Bench is one home per acre, but the SunCal plan proposes a ratio of about three homes per acre.

"It has impacts on air quality, traffic and so forth," Hanna said. "I'm not against higher density, but I am in this area."

Community members are worried that the Black Bench project could lead to more intense development in the rural area, destroying wildlands and worsening the region's air quality.

"This may be the first case challenging a city's shirking of its obligation to disclose and mitigate a project's greenhouse-gas emissions, but it won't be the last," Siegel said.