I. CALL TO ORDER: Chairman Siva

➢ Pledge of Allegiance: Commissioner Siva

➢ Roll Call: Chairman Siva, Commissioner Barsh, Commissioner Ellis, Commissioner Hawkins and Commissioner Shaw

II. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to Five (5) minutes in accordance with City policy.

III. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

1. Minutes of September 30, 2013 meeting
2. Minutes of October 2, 2013 meeting
IV. PUBLIC HEARING

1. GENERAL PLAN AMENDMENT NO. 13-2505 AND ZONE CHANGE NO. 13-3503 FOR FIVE (5) PARCELS THAT ARE LOCATED AT THE NORTHEAST CORNER OF HARGRAVE AND CHARLES STREETS

Order of Procedure:
1. Request staff report / Questions of staff
2. Open public hearing
3. Close public hearing
4. Planning Commission discussion
5. Motion and Second
6. Discussion on motion
7. Call the question (Roll call vote)

Recommendations:

That the Planning Commission adopt Resolution No. 2013-14:

1. Recommending approval to the City Council the adoption of a Negative Declaration; and

2. Recommending approval of General Plan Amendment No. 13-2505 and Zone Change No. 13-3503 to change the land use designations for five (5) parcels that are located at the northeast corner of Charles and Hargrave Streets from Industrial to Very Low Density Residential.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

VII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of December 4, 2013 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].
City of Banning, Planning Commission, Special Workshop

PLANNING COMMISSION MINUTES

September 30, 2013

A special meeting of the City of Banning Planning Commission was held on Monday, September 30, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Siva
Commissioner Ellis
Commissioner Hawkins
Commissioner Shaw

Commissioners Absent: Commissioner Barsh (excused)

Staff Present: Community Development Director Abu Bakar
Associate Planner Guillot
Assistant City Attorney Lona Laymon
Recording Secretary Stuart
Consultant J. H. Douglas

I. CALL TO ORDER

II. PUBLIC COMMENTS

None.

III. WORKSHOP ITEM: 2013-2021 GENERAL PLAN HOUSING ELEMENT UPDATE

Director Abu Bakar announced that a sign-in sheet was available to those that are interested in being notified of future meetings related to the Housing Element. The 2013-2021 Housing Element Questions and Answers forms were also made available to the public, as well as, a listing of Acronyms referenced in the Housing Element.

The City’s Housing Element Consultant, John Douglas, presented material related to the 2013-2021 Housing Element including the state requirements and City objectives. Mr. Douglas stated that under state law every jurisdiction is required to update the Housing Element for the new planning period. This Housing Element cycle requires the update to be adopted in early February of 2014. The consequence of the new Element not being adopted by the deadline is that the City would have to update its Housing Element in four years instead of eight years which is more costly. After this
meeting, staff will make revisions to the document based on the direction of the Commission and then a City Council Study Session will take place in a few weeks. Once City Council direction is receive, the draft Housing Element will be submitted to the State. The State will have sixty days to review the draft and provide comments. Following these actions, there will be two additional public hearings.

Regarding the draft document, Mr. Douglas stated there has been formatting changes but that the substance has not drastically changed with one major exception. The previous Housing Element called for a number of changes to codes and zoning regulations. To the knowledge of staff, there are no mandated changes to codes or zoning regulations in the new planning period. There is one potential change but it is not state mandated which will be opened to discussion.

In regard to the draft Housing Element, one of the state requirements is that the City review the previous Housing Element and report on the accomplishments that the City has made regarding the previous programs and make appropriate adjustments based on changed circumstances, new information and so forth. This analysis is provided in Appendix A of the document. The next important requirement in regard to state law is that the needs assessment must be updated including the demographic trends, special needs, housing conditions, housing cost, and so forth which is provided in the technical report of the document and has the most changes because it reflects new census data, as well as, a variety of other newer data sources.

One of the important aspects of the needs assessment is the RHNA (Regional Housing Needs Assessment – emphasis added) which is the regional housing needs assessment that was discussed in length during the previous update process. The key requirement of state law is that the City demonstrates that there are enough sites in the City with appropriate zoning regulations so that the amount of the development that is described in the RHNA could be developed if there was an interested property owner, developer, etc. That analysis is presented in Appendix B of the document. This includes a parcel specific inventory of sites in town where housing could be built if there was an interested property owner. It is not a mandate but it is simply describing what could happen.

Another requirement of state law has to do with the review of resources for housing and constraints to housing development which is information also contained in the Technical Report Chapter 3 and 4. In regard to resources for housing, the document is primarily referring to land where housing can be built and also financial resources such as grant funds. The elimination of the Redevelopment Agency is one change reflected in the document. The constraints chapter refers mostly to the City’s plans, regulations, fees and permit procedures, all of which are viewed by state law as potential constraints to housing development. Therefore, there is not a substantial change to this section except for places where the City has amended its zoning regulations from the last planning period.

As a result, there are changes related to density in the HDR (high density residential – emphasis added) and VHDR (Very High Density Residential – emphasis added). There is also different information related to special needs housing which was mandated that the City amend the zoning code to accommodate special needs, persons with disabilities and so forth. That is the main thrust of the new chapters on resources and constraints.
The Housing Plan document which is a separate document, has been reformatted and contains the City's goals, policies and programs for the new planning period. Many of the programs from the previous planning period have been carried forward but there have also been many changes. The most notable of the changes are the elimination of programs calling for zoning amendments because they were completed in the previous period. Therefore, many of the programs have been eliminated because they have been completed and other programs may have been revised slightly to reflect current circumstances and funding levels. Some programs were funded by the Redevelopment Agency and since those funds have been eliminated, the related programs have been revised to reflect the City's new capacity.

Mr. Douglas referred to the PowerPoint, attached hereto by reference, and the slide related to the chart from Appendix B of the Housing Element that is the land inventory that demonstrates that the City has enough capacity to meet the RHNA numbers that were previously mentioned. This information was not discussed in detail but he wanted to note the information was available to discuss. Mr. Douglas also brought up the issue of density because it was a very important issue in the last Housing Element update. Nearby jurisdictions were also reviewed to learn about the maximum densities allowed by their plans and zoning regulations and this information was included in the PowerPoint attached hereto. This information was briefly discussed in comparison to the City of Banning and showed that the City is compatible with others that are in the region.

Mr. Douglas also reminded the Commission that the state has established a minimum of 20 units per acre that they will accept as suitable for meeting the low and very low portion of the RHNA. Banning is at the low end of the range in terms of the established state minimum. The one change that is reflected in the Housing Plan is shown in “Program 7” with regard to the Downtown Commercial District. One of the comments that came up several times in previous Housing Element meetings is that if the City is required by state law to allow high density than the appropriate place for the high density is in the downtown because that is where services are available. Transit may be available, people can walk to shopping, services and the doctor and so forth. What has been done for consideration and discussion is a program and Housing Plan that would allow an increase in density in the downtown from the present maximum of 18 units per acre on most properties and 20 units per acre on the larger properties up to 24 units per acre. As may be recalled from the previous meetings, the Council amended the General Plan and zoning to create a new district called Very High Density Residential which allows up to 24 units per acre. The idea behind this program is that if it is adopted then the Downtown would have the highest density. There would be no other portion of the City where a higher density is allowed compared to the Downtown. This program would require that a minimal level of affordability be required in any project that qualifies for the 24 units per acre. That is not a requirement in state law and is simply a draft for discussion. Another component of this program that would allow an incentive for property owners is the ability to consolidate two or more small parcels. It is sometimes uneconomical and unfeasible to develop a project on a very small parcel and so there is more potential, more viability if there is a larger site to work with. This would provide an incentive for a property owner to purchase some adjacent properties or if the property owner already happens to own adjacent properties to consolidate those into a single project. Another thought behind this program is that the City has taken steps in recent years to try to stimulate investment in the Downtown. For example, the City has invested in upgrading infrastructure such as sewer and waterlines and so
forth. The idea is to provide an incentive for private investment to help stimulate revitalization in the downtown area. As a frame of reference, a local hotel property that was turned into mixed use apartments was discussed. Items discussed related to this scenario included family size, density bonuses, and safety issues. Mr. Douglas concluded his presentation.

Chairman Siva stated that economic conditions and level of incomes are important and inquired about what types of projects are being considered. The Director responded that many times affordable housing equates to Section 8; however, this is not what is being proposed. Instead, affordable housing equals density. The Director provided examples in Riverside and Moreno Valley that are higher in density. The goal is for the City to obtain quality housing.

Commissioner Ellis inquired if the City was seeking sustainable housing units. The Director responded stating the City’s goal is sustainable development and quality.

Chairman Siva opened the floor for public comments.

Don Smith, Banning Resident: Inquired about discrepancies in the report and whether or not there would be discussion on changing or moving the zoning of some of the current locations identified and approved in the previous cycle. The Director responded and stated previously identified alternatives were included in the document. If necessary, these sites should be considered now instead of a later date. Currently, the City does not need to consider additional sites because the City’s numbers are lower and also there is no carry over units because the Council already approved the zone change. Commissioner Ellis confirmed that there are additional sites available if it is decided in the future to consider other locations. Mr. Douglas also responded to Mr. Smith and confirmed that there were discrepancies and that the numbers would be adjusted.

Susan Savolainen, 1610 W. Barbour: Inquired as to when the future meeting regarding this subject would be scheduled. The Director replied that it was tentatively scheduled for October 22, 2013 at 3:00 p.m. Comments followed regarding the time of the meeting. She also stated that based on the slide in the PowerPoint that Banning appears to be on the low end of the density levels and asked if the City wanted to look like Moreno Valley or Hemet.

Chairman Siva closed the public hearing seeing that there were no additional public comments. The floor was opened for comments from the Commissioners.

Commissioner Shaw stated that the numbers of people over 55 as shown in the PowerPoint table were a little skewed especially when we compare ourselves to all of Riverside County. He stated that we need to review the demographics of the over 55 communities as it relates to the total. The Sun Lakes development needs to be taken into consideration. In other words, we do not have a community of just elderly people.

Chairman Siva stated that the past Housing Element contains items that impact this new element. He desires to go into more detail as to what the plan entails. Banning is much like others in the fact that we comply and in reading the Housing Element he stated that it seems that staff did the best that they could with regard to bringing the City into compliance while benefitting the community as
well. However, as a Commissioner he would appreciate if the community would understand what has been done and how the City deals with issues that are mandated such as low income housing, medical needs, and needs in the City. Also, as mentioned, special circumstances within the City need to be addressed. We need to draw people into Banning and we should be aware that income is relative to the density.

Commissioner Ellis expressed his concerns with the Housing Element and questioned if the City was planning to continue being complaint based or proactive in consideration of all the implications that come with increasing or doubling the City’s population. He questioned the quality of the housing and how the City would provide enforcement and improve the quality of life for residents considering the budget constraints.

Chairman Siva reiterated the importance of the Commission’s responsibility in making recommendations to the City Council. The Commission is going to have to address each issue and the complaints need to be managed in a proactive manner. Commissioner Ellis restated the need to act proactively in order to eliminate problems. Commissioner Ellis stated that the City needs to gain more pride and as it pertains to the Housing Element we need the City to look attractive and take what we have now and make it better and move forward with projects like this so that we can attract the medium and the higher income people that want to come over and enjoy our beautiful air and water.

Commissioner Shaw stated it is somewhat of the chicken and the egg scenario. We need to make the City more appealing for development but we also need more development to increase the revenue to be able to enforce and clean-up the City. It is a delicate balance. He questioned what should come first but stated we need to work on all of it and bring in new development while at the same time clean-up and make the City attractive, not just physically, but in the minds of developers so that they want to build in Banning. Commissioner Ellis stated that the City needs to provide a good perception in order to attract developers.

Director Abu Bakar requested direction from the Commission regarding the policy issue that was included with the draft regarding the increase to 24 units in Downtown. Chairman Siva responded that it comes down to what has been discussed regarding development and he thinks the Banning Hotel is an excellent point. A density of twenty-two units is outrageous.

Chairman Siva opened the public comment portion of the meeting again seeing that a resident was interested in addressing the Commission.

Rick Pippenger, 2553 W. Westward: Regarding the appearance of Banning he suggested that the City repaint the Chamber of Commerce sign on the east end directing traffic to utilize 8th Street. He commented that he has lived in Banning for over thirty years and has seen improvement over the years but that the blight was moving west. In regard to business, he suggested a more-friendly staff at City Hall.

Inga Borgraves, 981 East Charles Street: Questioned what the City is doing about the overpass for the trains on the south side since we are developing into very high density on the south side.
Director Abu Bakar responded stating that the construction of the Sunset Grade Separation is probably going to start sometime next year and that preparation is happening right now. In regard to the next underpass, she is hoping to get Hargrave on the list with Western Riverside Council of Government. The Director stated that she would forward related comments received tonight to the City Manager and to the Public Works Director. The Public Works Director has already stated that the next under path that should be worked on is Hargrave.

Chairman Siva brought up that one of the issues in the report was in regard the old General Plan, some of the items have already been fulfilled and one of the items was zoning. This brings up the idea of the problem of the zoning that happened on Charles Street. He questioned the status of the rezoning of the properties on Charles Street. Director Abu Bakar responded by stating that the General Plan and the zoning code are very complex which needs to be addressed. Staff is taking steps to address some of the issues that the businesses are facing with regard to opening a business in Banning. The Director stated that she only has one planning staff member but that she is trying to clean it up. She has to admit that the zoning code is complicated. Chairman Siva stated he was not addressing business as much as he was residential, the housing. The Director stated the second issue that she wanted to address was the zoning at Charles and Hargrave. She stated at the last Council meeting the City Council adopted a resolution initiating the zone change and the General Plan amendment for the five parcels on Charles and Hargrave. Staff is working on this item, starting with the environmental document. This item is tentatively scheduled for the November Planning Commission meeting and then to City Council in December.

Linda Pippenger, 2553 W. Westward: Believes that when a new very high density plan is devised that the City should choose the parcels that are the least likely to ever be developed. Believes there is enough poverty in the community. The City should target larger parcels and more affluent people such as Sun Lakes.

Inga Borgraves, 981 East Charles: Since we want to give a nice impression of the City, we should direct attention to the house located at the corner of Lincoln and Hargrave that has been boarded up for years.

Chairman Siva closed the public hearing and adjourned the meeting.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Holly Stuart
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK’S OFFICE.

Planning Commission Meeting Minutes
September 30, 2013
City of Banning
2013-2021 Housing Element

Planning Commission workshop
September 30, 2013
Purpose of the workshop:

- Review state requirements for the 2013-2021 Housing Element
- Review City objectives for the Housing Element
- Discuss options & recommendations for City Council consideration
State Housing Element Requirements:

- Review accomplishments for previous programs & make adjustments as necessary (Appendix A)
- Update the needs assessment based on current circumstances (Tech. Report Ch. II)
  - Demonstrate adequate sites for RHNA (Appendix B)
- Update resources & constraints (Tech. Report Ch. III & IV)
  - Loss of redevelopment agency
  - Completion of Code amendments & zone changes
- Update policies, programs & objectives (Housing Plan)
# Regional Housing Needs Assessment

<table>
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<tr>
<th>Income Category</th>
<th>Lower</th>
<th>Mod</th>
<th>Above Mod</th>
<th>Total</th>
</tr>
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<tr>
<td><strong>Approved Projects (Table B-3)</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Approved projects – R-A</td>
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<td></td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Approved projects – Very Low Density Residential</td>
<td></td>
<td></td>
<td>1,036</td>
<td>1,036</td>
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<tr>
<td>Approved projects – Low Density Residential</td>
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<td>3,032</td>
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<tr>
<td>Approved projects – Medium Density Residential</td>
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<td>2,607</td>
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<td>Approved projects – High Density Residential</td>
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<td></td>
<td>1,213</td>
<td></td>
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<tr>
<td><strong>Subtotal – Approved Projects</strong></td>
<td>0</td>
<td>3,820</td>
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<td><strong>Vacant parcels (Table B-4)</strong></td>
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<tr>
<td>Vacant parcels – Low Density Residential</td>
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<td></td>
<td>513</td>
<td>513</td>
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<tr>
<td>Vacant parcels – Medium Density Residential</td>
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<td></td>
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<td>1,088</td>
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<td>Vacant parcels – High Density Residential</td>
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<td>Vacant parcels – High Density Residential-20</td>
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<td></td>
<td>1,942</td>
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<tr>
<td>Vacant parcels – Very High Density Residential</td>
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<td>520</td>
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<td><strong>Subtotal – Vacant Parcels</strong></td>
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<td>1,483</td>
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<td><strong>Underutilized Parcels (Table B-5)</strong></td>
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<td>Downtown Commercial parcels</td>
<td>86</td>
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<tr>
<td>Potential second units</td>
<td>5</td>
<td></td>
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<td>5</td>
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<tr>
<td><strong>Total land inventory</strong></td>
<td>2,553</td>
<td>5,303</td>
<td>4,611</td>
<td>8,706</td>
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<tr>
<td>RHNA 2014 - 2021</td>
<td>1,465</td>
<td>685</td>
<td>1,642</td>
<td>3,792</td>
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<td><strong>Adequate Sites?</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</table>

Source: City of Banning, 6/2013
## Appropriate Density to Accommodate RHNA

<table>
<thead>
<tr>
<th>City</th>
<th>Permitted Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banning</td>
<td>VHDR (19-24 units/acre)</td>
</tr>
<tr>
<td>Beaumont</td>
<td>MFR (22 units/acre)</td>
</tr>
<tr>
<td></td>
<td>Specific Plan (no limit)</td>
</tr>
<tr>
<td>Hemet</td>
<td>VHDR (45 units/acre)</td>
</tr>
<tr>
<td>Moreno Valley</td>
<td>R-30 (30 units/acre)</td>
</tr>
<tr>
<td>Perris</td>
<td>Downtown (35 units/acre)</td>
</tr>
<tr>
<td>San Jacinto</td>
<td>VHDR (22 units/acre)</td>
</tr>
<tr>
<td>Yucaipa</td>
<td>RM-24 (24 units/acre)</td>
</tr>
</tbody>
</table>
Draft Housing Element

Downtown Commercial (DC) District:

- Residential or mixed-use currently allowed up to 18 units/acre, or 20 units/acre on 3 larger sites when affordable housing is provided

- Program 7 includes:
  - Allow 24 units/acre for residential or mixed-use projects that include minimum affordable units (5% very-low or 10% low)
  - Provide lot consolidation incentive when 2+ parcels totaling ½ acre are combined
City of Banning
2013-2021 Housing Element

Planning Commission workshop
September 30, 2013
## Population Age Trend 2010-2060

### Riverside County

<table>
<thead>
<tr>
<th>Age Group</th>
<th>2010</th>
<th>%</th>
<th>2060</th>
<th>%</th>
<th>50-Year Growth</th>
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<tr>
<td></td>
<td>Persons</td>
<td></td>
<td>Persons</td>
<td></td>
<td>Persons</td>
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<tr>
<td>Under 25</td>
<td>847,161</td>
<td>39%</td>
<td>1,223,488</td>
<td>29%</td>
<td>376,326</td>
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<tr>
<td>25-64</td>
<td>1,085,465</td>
<td>50%</td>
<td>2,047,195</td>
<td>49%</td>
<td>961,730</td>
</tr>
<tr>
<td>65+</td>
<td>259,259</td>
<td>12%</td>
<td>946,133</td>
<td>22%</td>
<td>686,874</td>
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<tr>
<td>Total</td>
<td>2,191,886</td>
<td>100%</td>
<td>4,216,816</td>
<td>100%</td>
<td>2,024,930</td>
</tr>
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Source: California Department of Finance, Report P-1, January 2013
Downtown Commercial
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
City of Banning

PLANNING COMMISSION MINUTES

October 2, 2013

A regular meeting of the City of Banning Planning Commission was held on Wednesday, October 2, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Siva
Commissioner Ellis
Commissioner Hawkins
Commissioner Shaw

Commissioners Absent: Commissioner Barsh (Excused)

Staff Present: Community Development Director Abu Bakar
Associate Planner Guillot
Assistant City Attorney Lona Laymon
Recording Secretary Stuart

I. CALL TO ORDER

II. PUBLIC COMMENTS:

Shawn Melvin, 220 Lombardy Lane: Expressed his concerns regarding a registered sex offender that is living in a halfway house at 165 East Repplier in his neighborhood. His opinion is that the City operates on a complaint based system and it is not working in relation to his situation. He stated that the Banning Police Department needs to patrol the neighborhood and do their jobs to protect and that he should not have to put himself in harm’s way.

Commissioner Siva questioned staff if anything could be done in response. Attorney Laymon stated that the public comment period is limited to items that are in jurisdiction of the Planning Commission. She stated that it was a Code Enforcement or Police matter and recommended that staff make a referral to the proper contact. Director Abu Bakar stated that she was aware that Mr. Melvin spoke before the City Council and that Code Enforcement action has already been taken on the property.
III. CONSENT CALENDAR

1. Minutes of August 7, 2013

ACTION (HAWKINS / SHAW): A motion was moved, seconded and carried that item 1 be approved as presented.

(Motion carried 4-0) (Commissioner Barsh was absent)

IV. PUBLIC HEARING

1. ZONE TEXT AMENDMENT (ZTA) 13-97504 AMENDING A SECTION OF THE ZONING ORDINANCE PERTAINING TO WALLS AND FENCES IN THE BUSINESS PARK DISTRICT

Associate Planner Guillot presented the staff report. On August 7, 2013 the Planning Commission considered a conditional use permit in which concern was expressed regarding regulations for Business Park Development standards. When it comes to fence and wall standards, the City has general standards which apply to residential and commercial developments but there is a special set of regulations that apply just to Business Park Development. The expressed concern about the wall that could be constructed was based on the fact that only one option was available to those in the Business Park district which is to construct a solid masonry wall. The purpose of the resolution is to amend that one requirement. Through this amendment there will be options such as wrought iron, perforated metal or combinations of the two. This is what is being recommended based on the Planning Commission’s request.

Commissioner Ellis stated that these options will help future development.

Chairman Siva opened the meeting for public comments.

Bill Murray, William Murray and Associates (Engineers for Cruz Tire located at 1300 East Ramsey Street): Mr. Murray stated that he would like to address their wall.

There was a misunderstanding of what was taking place and Attorney Laymon recommended that Mr. Murray be permitted to make his public comment in terms of deliberations to the extent that the public comments relate to the item that is on the agenda pertaining to the zoning ordinance having to do with a specific wall and fence changes. She stated that the Commission discussion and action tonight is limited to what is listed on the agenda which is the proposed zone text amendment to change the wall and fence considerations. However, she understands that the wall and fence of Cruz Tire is part of the zone therefore a public comment can be made with respect to that topic.

Chairman Siva stated that Mr. Murray’s points were well taken at the last meeting.
Mr. Murray continued with concerns related specific to the Cruz Tire property and conditions that had been imposed through a conditional use. Mr. Murray stated they agree with wrought iron option and recommended changes.

Inga Schuler, Banning resident: Mrs. Schuler stated that she is concerned with the ordinance because each business owner is required to put up a wall around the entire property inside the property line. An adjoining property owner would also be required to put up a block wall on his side possibly right next to an existing wall. Mrs. Shuler is concerned with the potential appearance and involved costs. She stated that the ordinance should be revised to require the wall to only be in front of the business and not the sides or the back of the business.

Commissioner Ellis requested that the Associate Planner reiterate the meaning of the request to recommend ZTA No. 13-97504 since he felt there was misconception of what the ZTA is actually accomplishing.

Associate Planner stated that the zone text amendment is for Business Park zoning district. This district is generally where businesses will establish and often on their own accord will want to protect their inventories and so forth. The original code was adopted in January of 2006. This is the first time in approximately nine years that there have been instructions to alter the code. For just Business Park development along this part of the City, the City would allow alternatives including the recommendations by the Planning Commission such as stucco walls, combination of block wall, metal, wrought iron and so forth that would be decorative in nature and would accomplish the same thing. The type off wall is all that is being revised.

Commissioner Ellis confirmed that this is providing property owners with more options to enclose and protect their property.

Director Abu Bakar clarified that the amendment will provide more flexibility. She also pointed out that the verbiage was changed from shall to may which changes the requirement that the property owner must provide the wall versus possibly would provide a wall.

Commissioner Ellis made a motion to pass the ZTA.

Director Abu Bakar stated that in order to address Ms. Schuler’s comments and make the code better that she is proposing to amend the items to state walls and fences may be provided in the front, side and rear yards.

Chairman Siva closed the public comments section of the meeting.

Further discussion from the public continued. Director Abu Bakar stated that if a property owner desires to put up a fence then they have a choice of what type of fencing they want to construct. If a property owner does not want to put up a fence then they do not have to do so. Chairman Siva stated that if it is approved that it is a very favorable amendment for business owners.
Chairman Siva again closed the public hearing.

Commissioner Hawkins stated that what the business has around the property is going to make a difference in the type of wall that is constructed and asked if the business owner was still required to obtain approval on the type of fencing. Director Abu Bakar responded stating that if the property owner so desires to do so then yes because there are regulations regarding the fencing such as height requirement and so forth. For example, the front is limited to 4 feet in height. Chairman Siva asked that if the City leaves it up to the property owner or developer then would the City have any recourse in making sure something is in place.

Commissioner Ellis commented stating that most of the requirements are based on the fact that we want the City to be attractive and gain more commercial business; therefore, we have to assume that staff applies some common sense in making the property as appealing as possible almost regardless of the regulations. The regulations become the base but we still have to use common sense in these areas.

**ACTION (ELLIS/ HAWKINS):** A motion was moved, seconded and carried that the Planning Commission take the following action including the amendment to the code as suggested by the director:

1. ADOPT PLANNING COMMISSION RESOLUTION NO. 2013-13 RECOMMENDING APPROVAL OF ORDINANCE NO. 1470 TO CITY COUNCIL APPROVING ZONING TEXT AMENDMENT NO. 13-97504 AMENDING A SECTION OF THE ZONING ORDINANCE PERTAINING TO WALLS AND FENCES IN THE BUSINESS PARK ZONING DISTRICT.

(Motion Carried 4 – 0) (Commissioner Barsh was absent)

**VI. PLANNING COMMISSIONER COMMENTS**

None.

**VII. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT**

Director Abu Bakar stated that the City Council introduced the first reading of Ordinance No.1469 at its last meeting allowing government office use by right in the Downtown, mixed use development through a conditional use permit in the airport zone and also allowing security fencing through a technical staff review in the commercial zones.

The Director also stated that the City Council adopted Resolution No. 2013-86 initiating the General Plan land use and zone change for the 5 properties on Charles and Hargrave.
Next, the Director stated that the January Planning Commission meeting falls on a Federal holiday which is January 1st. The City’s policy states that if a regular meeting falls on a Federal holiday then the regular meeting must be held the next day. The meeting in January will be on the 2nd which is a Thursday.

The last item relates to Planning Commissioner training. Although there are budget constraints in-house training will be provided to all the Commissioners. Staff will provide a series of training sessions including one on Planning and Zoning which will be provided by the Associate Planner in December. She also stated that she would be providing training related to general information pertaining to the Environmental Quality Act in January or February of 2014. The website regarding ethics training will also be provided.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

______________________________
Holly Stuart
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.
CITY OF BANNING
Planning Commission Report

DATE: November 6, 2013

TO: Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: GENERAL PLAN AMENDMENT NO. 13-2505 AND ZONE CHANGE NO. 13-3503 FOR FIVE (5) PARCELS THAT ARE LOCATED AT THE NORTHEAST CORNER OF HARGRAVE AND CHARLES STREETS

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution No. 2013-14 (Attachment 1):

I. Recommending approval to the City Council the adoption of a Negative Declaration (Attachment 2);

II. Recommending approval of General Plan Amendment No. 13-2505 and Zone Change No. 13-3503 to change the land use designations for five (5) parcels that are located at the northeast corner of Charles and Hargrave Streets from Industrial to Very Low Density Residential.

APPLICANT INFORMATION:

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

BACKGROUND: On January 31, 2006 the five (5) parcels listed below (see table under “Discussion/Analysis” Section) were zoned Industrial when the current General Plan and Zoning Code were adopted. The homes on the property are considered legal non-conforming as they were conforming at the time the homes were built but made non-conforming as a result of the adoption of the current Zoning in 2006. Some of the challenges that arose as a result of legal non-conforming properties include difficulty in qualifying for home improvement loans to make improvements to the properties, purchasing homeowner’s insurance, or selling the homes under the current Zoning. Any addition to the homes requires approval of a conditional use permit from the Planning Commission. The size of the addition to the home is limited to a maximum of 50% of the size of their current home.

Four (4) of the five (5) property owners who own properties that are located at the northeast
corner of Hargrave and Charles have verbally requested that the City change the current General Plan and Zoning designations of their properties from Industrial to a Very Low Density Residential Zone.

On September 24, 2013, the City Council adopted Resolution No. 2013-86 directing staff to initiate a General Plan Amendment and Zone Change for these properties. The proposed General Plan amendment and the Zone Change are to designate the five (5) properties from the current General Plan and Zoning designations of Industrial to Very Low Density Residential. The aerial map of the five properties is attached in Attachment 3. The existing Zoning is shown in Attachment 4. The proposed Zoning is shown in Attachment 5.

DISCUSSION/ANALYSIS:

The proposal is to change the General Plan Land Use and Zoning designations for the properties from Industrial to Very Low Density Residential. No specific development is currently proposed on any of the sites. The proposed General Plan Amendment and Zone Change will bring the structures and their use as single-family homes into conformance with the City’s General Plan and Zoning. In addition, the structures and their use will be compatible with the neighborhood to east and south along Charles Street.

The total acreage for the five (5) properties is 9.28 acres. The following table provides information on Assessor’s Parcel Numbers, Addresses, Parcel Size, and Existing Use.

<table>
<thead>
<tr>
<th>APN</th>
<th>ADDRESS</th>
<th>PARCEL SIZE (in acres)</th>
<th>PARCEL SIZE IN SQUARE FEET (sf)</th>
<th>EXISTING USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>543-090-003</td>
<td>963 Charles Street</td>
<td>1.13</td>
<td>49,222.8</td>
<td>Single-family homes and accessory structures</td>
</tr>
<tr>
<td>543-090-004</td>
<td>981 Charles Street</td>
<td>1.26</td>
<td>54,885.6</td>
<td>Single-family homes and accessory structures</td>
</tr>
<tr>
<td>543-090-014</td>
<td>941 Charles Street</td>
<td>0.17</td>
<td>7,405.2</td>
<td>Single-family homes and accessory structures</td>
</tr>
<tr>
<td>543-090-016</td>
<td>911 Charles Street</td>
<td>3.0</td>
<td>130,680.0</td>
<td>Single-family homes and accessory structures</td>
</tr>
<tr>
<td>543-090-017</td>
<td>None</td>
<td>3.72</td>
<td>162,043.2</td>
<td>Vacant</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>9.28 acres</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Development Standards: The current development standards for Very Low Density Residential are as shown in the table below:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Density (Units/Ac.)</td>
<td>0-2</td>
</tr>
<tr>
<td>Min. Lot Size (Ac. or s.f.) Single Family Lot$^3,4$</td>
<td>20,000 s.f.</td>
</tr>
<tr>
<td>Min. Lot Size (Ac.) Multi-Family Units</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>100</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>100</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
<td>35</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
<td>35</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
<td>15</td>
</tr>
<tr>
<td>Min. Street Side (Feet)</td>
<td>20</td>
</tr>
<tr>
<td>Max. Bldg. Coverage (%)(^9)</td>
<td>25</td>
</tr>
<tr>
<td>Min. Private Outdoor Space (s.f.)</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Common Outdoor Space (s.f.)(^a)</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Height (stories/feet)</td>
<td>2/35</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height (ft)</td>
<td>6</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td></td>
</tr>
<tr>
<td>One-story home</td>
<td>.25</td>
</tr>
<tr>
<td>Multi-story home</td>
<td>.40</td>
</tr>
</tbody>
</table>

The recommendation to change these parcels from Industrial to Very Low Density is based on analysis of the lot size, animal keeping, and compatibility with the existing residential developments that are located in the area to the east and south of the parcels. The development to the east of the project site is designated Very Low Density Residential on the General Plan Map and is zoned Very High Density Residential. The proposed zoning for the parcels are compatible with the properties to the east and south.

Four (4) of the five (5) parcels meet the minimum lot size of 20,000 square feet for Very Low Density Residential. Parcel 543-090-014 is 0.17 acre or 7,405 square feet, which does not meet the minimum lot size standard. This parcel can continue to exist and be developed in the future. Any future development on these properties must comply with the development standards in the Very Low Density Residential Zone.

**Animal Keeping:** In addition to the request to change the zoning designation from Industrial to Very Low Density Residential, one property owner has also requested that they be allowed to keep animals. Per Chapter 17.40 of the Zoning Code, Animal Keeping Standards, attached hereto by reference, properties designated as Very Low Density Residential are permitted to keep animals such as a maximum of three (3) horses on properties less than 20,000 square feet. (Chapter 17.40)

**ENVIRONMENTAL DETERMINATION:**

California Environmental Quality Act (CEQA)
In accordance with the California Environmental Quality Act (CEQA), the proposed General Plan Amendment and Zone Change are considered a “Project”. CEQA defines the project as an activity that has a potential for resulting in either a direct physical change in the environment. Examples of projects include an activity that is directly undertaken by any public agency including but not limited to amendment to zoning ordinances and general plan elements.

In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for public review from October 11, 2013 through November 4, 2013. A Negative
Declaration means that the project can be seen with certainty that it will not have any negative impacts to the physical environment.

**Multiple Species Habitat Conservation Plan (MSHCP):**
General Plan Amendment and Zone Change do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 13-2505 AND ZONE CHANGE NO. 13-3503 PRIOR TO APPROVAL:**

State law and the Banning Zoning Code require that General Plan Amendments and Zone Changes meet certain findings prior to approval by the decision makers. The following findings are provided in support of the approval of the General Plan Amendment and Zone Change.

**Finding No. 1:** The proposed General Plan Amendment and Zone Change are internally consistent with the General Plan.

**Findings of Fact:** The current General Plan Land Use and Zoning Overlay Map shows that the five (5) properties are zoned Industrial. The proposed General Plan Amendment and Zone Change will amend the current land use for the five (5) parcels from Industrial to Very Low Density Residential. The Very Low Density Residential land use designation would allow the properties to be developed with single-family homes and other uses that are allowable and compatible with single-family homes. Four (4) of the five (5) parcels have been developed with single-family homes and accessory structures. Under the current Zoning, these homes are legal non-conforming. The proposed General Plan Amendment and Zone Change will make the current use on the property consistent with General Plan and Zoning.

The proposed General Plan Amendment No. 13-2505 and Zone Change No. 13-3503 have been reviewed against the development standards for Very Low Density Residential within the Banning Zoning Code for internal consistency within all of the General Plan elements’ text, diagrams, and maps and have concluded that the proposed General Plan Amendment and Zone Change will not create any conflicts among the various General Plan elements’ goals, policies, and objectives, including the maps and diagrams of all the elements in the General Plan. Therefore, the proposed General Plan Amendment and Zone Change will make the current use on the properties consistent with General Plan and Zoning.

**Finding No. 2:** The proposed General Plan Amendment and Zone Change would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.
Finding of Facts: The General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” The proposed General Plan Amendment and Zone Change provides conformity between existing single-family homes that have been developed on the property and the General Plan land use and Zoning designations. Furthermore, an Initial Study/Negative Declaration was prepared for compliance with the California Environmental Quality Act (CEQA). The Negative Declaration concluded that the proposed General Plan Amendment and Zone Change would not have any negative impacts on the environment. The Negative Declaration was made available for a 20-day public review from October 11, 2013 through November 4, 2013.

With regard to compatibility with existing neighborhoods, the proposed General Plan land use and Zone Change for the five (5) parcels will make the existing and future development of the five (5) parcels consistent and compatible with the existing neighborhoods to the easterly and southerly area of the parcels in that the General Plan and Zoning for these adjacent areas are Very Low Density Residential.

Based on the above finding of facts provided in this subsection, the proposed General Plan Amendment and Zone Change would not be detrimental to the public interest, health, safety, convenience, or welfare of the community as the project has been reviewed for compliance with the City of Banning Zoning Code and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

Finding No. 3: The proposed General Plan Amendment and Zone Change would maintain the appropriate balance of land uses within the City.

Findings of Fact: The General Plan Build out Summary, Table III-1, on page III-10 shows that the City presently has 420.8 acres of land area that is zoned Industrial. The five (5) parcels that are proposed for General Plan Amendment and Zone Change from Industrial to Very Low Density Residential totaled 9.28 acres. The proposed General Plan Amendment and Zone Change would reduce the amount of Industrial properties by 9.28 acres (or 2.2%) from 420.8 acres to 411.52 acres and increase the Very Low Density Residential zone by the same amount of acreage. The 2.2% reduction in land area designated for Industrial Zone is relatively a minor reduction when compared with the actual development that exists within the 9.28 acre land area zoned for Industrial. Sixty (60) percent (or 5.5 acres) of the 9.28 acre land zoned for Industrial is already developed with single-family dwellings. This means that the potential Industrial development will occur on the 3.7 acres of land that is currently vacant. The loss of 3.7 acres of Industrial land is insignificant compared to the overall land that is available and the City is still maintaining an appropriate balance of land use in the City.

1 City of Banning General Plan, page III-16
Finding No. 4: With regard to the General Plan Amendment and Zone Change to the
General Plan Land Use, the subject property is physically suitable for the
requested land use designation(s) and the anticipated land use
development(s).

Finding of Fact: Four of the five parcels are currently developed with single-family homes.
The proposed General Plan Amendment and Zone Change will bring the
existing development on the properties in conformance with the General
Plan and Zoning. In addition, the proposed General Plan Amendment and
Zone Change will bring the five (5) properties to be compatible and
consistent with the General Plan and Zoning designations for existing
residential neighborhoods to the east and south of the project site.

Based on the facts indicated in this subsection and subsections above, the
project site is suitable for requested land use designation(s) and the
anticipated land use development(s).

PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on
October 11, 2013. As of the date of this report, staff has not received any verbal or written
comments for or against the proposal.

The public hearing notices were also sent to the owners of the five (5) properties that are subject
to the proposed General Plan Amendment and Zone Change and also mailed to the surrounding
property owners that are located within a 300’ radius of the subject properties for the re-zoned.

Prepared by:

Zai Abu Bakar
Community Development Director

Attachments:

1. Resolution No. 2013-14
2. Initial Study/Negative Declaration
3. Aerial map of the five properties
4. Existing Zoning
5. Proposed Zoning
6. Chapter 17.42 of the Banning Zoning Code regarding Animal Keeping Standards
7. Public Hearing Notice
8. Mailing Labels
RESOLUTION NO. 2013-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF GENERAL PLAN AMENDMENT NO. 13-2503 AND ZONE CHANGE NO. 13-3503 RELATING TO GENERAL PLAN LAND USE AND ZONE CHANGE FOR FIVE (5) PROPERTIES THAT ARE LOCATED AT THE NORTHEAST CORNER OF CHARLES AND HARGRAVE STREETS

WHEREAS, five (5) properties that are located at the northeast corner of Charles and Hargrave Streets were re-zoned from residential to Industrial when the current General Plan and Zoning Code were adopted on January 31, 2006; and

WHEREAS, four (4) of the five (5) property owners who own properties that are located at the northeast corner of Hargrave and Charles have verbally requested that the City change the current General Plan and Zoning designations of their properties from Industrial to Very Low Density Residential Zone; and

WHEREAS, the reasons for the requested change are because the subject properties are considered legal non-conforming and there are issues associated with having non-conforming properties which include difficulties in qualifying for home improvement loans to make property improvements; purchasing homeowner’s insurance; or selling homes under the current Zoning. There are restrictions and limitations with regard to expansion to existing properties such as size of the additions and the approval process for additions. Additions to the homes require approval of a conditional use permit from the Planning Commission. The size of the addition to the home is limited to a maximum of 50% of the size of their current home; and

WHEREAS, on September 24, 2013, the City Council adopted Resolution No. 2013-86 initiating a General Plan Amendment (GPA No. 13-2505) and a Zone Change (ZC No. 13-3503) for five (5) parcels that are located at the northeast corner of Hargrave and Charles; and

WHEREAS, the City has reviewed the proposed General Plan Amendment and Zone Change for compliance with the California Environmental Quality Act (CEQA) and it is determined that the General Plan amendment and Zone Change are defined as a “project” under CEQA Guidelines 15378 and an Initial Study has been prepared; and

WHEREAS, the Initial Study recommended the preparation of a Negative Declaration for compliance with CEQA; and

WHEREAS, the Negative Declaration was prepared and made available for a 20-day public review from October 11, 2013 to November 4, 2013; and

WHEREAS, on October 11, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC
In addition, the City mailed public hearing notices to the owners of properties that are directly affected by the General Plan Amendment and Zone Change and to the property owners that are located within a 300’ radius of the project boundaries; and

**WHEREAS**, on November 6, 2013, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC No.13-3503).

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

**SECTION 1. ENVIRONMENTAL FINDINGS.**

Compliance with the California Environmental Quality Act (CEQA)
The Planning Commission has analyzed this proposed in accordance with the California Environmental Quality Act (CEQA). Based on the analysis, the proposed General Plan Amendment and Zone Change are considered a “Project”. CEQA defines the project as an activity that has a potential for resulting in either a direct physical change in the environment. Examples of projects include an activity that is directly undertaken by any public agency including but not limited to an amendment to zoning ordinances and general plan elements.

In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for a 20-day public review from October 11, 2013 through November 4, 2013. A Negative Declaration means that the project can be seen with certainty that it will not have any negative impacts to the physical environment.

Multiple Species Habitat Conservation Plan (MSHCP):
The proposed General Plan Amendment and Zone Change do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**SECTION 2. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 13-2505 AND ZONE CHANGE NO. 13-3503:**

**Finding No. 1:**
The proposed General Plan Amendment and Zone Change are internally consistent with the General Plan.

**Findings of Fact:**
The current General Plan Land Use and Zoning Overlay Map shows the five (5) properties are zoned Industrial. The proposed General Plan Amendment and Zone Change will amend the current land use for the five (5) parcels from Industrial to Very Low Density Residential. The Very Low Density Residential land use designation would allow the properties to be developed with single-family homes. Four (4) of the five (5) parcels have been developed with single-family homes and accessory structures.
Under the current Zoning, these homes are legal non-conforming. The proposed General Plan Amendment and Zone Change will make the current use on the property to be consistent with General Plan and Zoning.

The proposed General Plan Amendment No. 13-2505 and Zone Change No. 13-3503 have been reviewed against the development standards for Very Low Density Residential within the Banning Zoning Code for internal consistency within all of the General Plan elements’ text, diagrams, and maps and have concluded that the proposed General Plan Amendment and Zone Change will not create any conflicts among the various General Plan elements goals, policies, and objectives, including the maps and diagrams of all the elements in the General Plan. Therefore, the proposed General Plan Amendment and Zone Change will make the current use on the property consistent with the General Plan and Zoning.

Finding No. 2:

The proposed General Plan Amendment and Zone Change would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Finding of Facts:

The General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” The proposed General Plan Amendment and Zone Change provides conformity between existing single-family homes that have been developed on the property and the General Plan land use and Zoning designations. Furthermore, an Initial Study/Negative Declaration was prepared for compliance with the California Environmental Quality Act (CEQA). The Negative Declaration concluded that the proposed General Plan Amendment and Zone Change would not have any negative impacts on the environment. The Negative Declaration was made available for a 20-day public review from October 11, 2013 through November 4, 2013.

With regard to compatibility with existing neighborhoods, the proposed General Plan land use amendment and Zone Change for the five (5) parcels will not create an island within an existing neighborhood. The General Plan Amendment and the Zone Change will make the existing development and the use and future development of the five (5) parcels consistent and compatible with the existing neighborhoods to the easterly and southerly area of the parcels in that the General Plan and Zoning for these adjacent areas are Very Low Density Residential. The existing uses on the four of the five parcels (one parcel is currently vacant) are single-family homes and accessory structures and are compatible with the existing development to the east and the south of subject properties.

Based on the above finding of facts provided in this subsection, the proposed General Plan Amendment and Zone Change would not be

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1 City of Banning General Plan, page III-16

Reso No. 2013-14

3
Finding No. 3: The proposed General Plan Amendment and Zone Change would maintain the appropriate balance of land uses within the City.

Findings of Fact: The General Plan Build out Summary, Table III-1, on page III-10 shows that the City presently has 420.8 acres of land area that is zoned Industrial. The five (5) parcels that are proposed for General Plan Amendment and Zone Change from Industrial to Very Low Density Residential totaled 9.28 acres. The proposed General Plan Amendment and Zone Change would reduce the amount of Industrial properties by 9.28 acres (or 2.2%) from 420.8 acres to 411.52 acres and increase the Very Low Density Residential zone by the same amount of acreage. The 2.2% reduction in land area designated for Industrial Zone is relatively a minor reduction when compared with the actual development that exists within the 9.28 acre land area zoned for Industrial. Sixty (60) percent (or 5.5 acres) of the 9.28 acre land zoned for Industrial is already developed with single-family. This means that potential Industrial development will occur on the 3.7 acres of land that is currently vacant. The lost of 3.7 acres of Industrial land is insignificant compared to the overall land that is available and the City is still maintaining an appropriate balance of land use in the City.

Finding No. 4: With regard to the General Plan Amendment and Zone Change to the General Plan Land Use, the subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Finding of Fact: Four of the five parcels are currently developed with single-family homes. The proposed General Plan Amendment and Zone Change will bring the existing development on the properties to be in conformance with the General Plan and Zoning. In addition, the proposed General Plan Amendment and Zone Change will bring the five (5) properties to be compatible and consistent with the General Plan and Zoning designations for existing residential neighborhoods to the east and south of the project site.

Based on the facts indicated in this subsection and subsections above, the project site is suitable for requested land use designation(s) and the anticipated land use development(s).
CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-14, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of November 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adopt Planning Commission Resolution No. 2013-14 recommending approval to the City Council the adoption of Negative Declaration (Attachment 2), approval of General Plan Amendment No. 13-2505 and Zone Change No. 13-3503 to change the land use designations for five (5) parcels that are located at the northeast corner of Charles and Hargrave Streets from Industrial to Very Low Density Residential.

PASSED, APPROVED AND ADOPTED this 6th day of November 2013.

______________________________
Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

______________________________
Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

______________________________
Holly Stuart, Recording Secretary
City of Banning, California
ATTACHMENT 2
Initial Study/Negative Declaration
CITY OF BANNING
Initial Study/Negative Declaration

GENERAL PLAN AMENDMENT NO. 13-2505
AND ZONE CHANGE NO. 13-3503

City of Banning
Community Development Department
99 E. Ramsey Street
Banning, California 92220

October 8, 2013
City of Banning
Initial Study/Negative Declaration

Project Title:
1. General Plan Amendment No. 13-2505 and Zone Change No. 13-3503

2. Lead Agency Name and Address: City of Banning, 99 E. Ramsey Street, Banning, CA 92220

3. Contact Person and Phone Number: Zai Abu Bakar, Community Development Director, (951) 922-3131

4. Applicant Name and Address: City of Banning, 99 E. Ramsey Street, Banning, CA 92220

5. Project Location: Northeast corner of Hargrave and Charles Street (See Figure 1)

6. General Plan Designation: Industrial

7. Project Description (describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features that are necessary for its implementation).

The Project evaluated in this Initial Study is an amendment to the General Plan Land Use and Zoning maps to change the land use designations for five (5) properties from Industrial to Very Low Density Residential (See Figures 1 and 2). The total acreage for the five (5) properties is 9.28 acres. The size of each parcel is indicated in the Table on page 3 of this Initial Study.

The Assessors Parcel Numbers and addresses for the five (5) properties are: 543-090-003 (963 Charles Street); 543-090-004 (981 Charles Street); 543-090-014 (941 Charles Street); 543-090-016 (911 Charles Street); and 543-090-017 (No Street Address – Vacant Lot). No new home construction is currently proposed on any of the sites at this time. See Figures 3 and 4 for the location and aerial view of the properties.

This Initial Study/Mitigated Negative Declaration analyzes the potential environmental impacts that would be expected to result from the proposed changes to General Plan land use and zoning designations on the General Plan and Zoning maps from Industrial to Very Low Density Residential for the above-mentioned parcels. Since there is no new home development is proposed at this time, future home construction will be reviewed for compliance with all applicable City policies, standards, regulations and the California Environmental Quality Act (CEQA).
Figure 1
Existing Zoning
Figure 2
Proposed Zoning

Project Location

Proposed Zoning = Very Low Density Residential (VLDR)
Figure 3
Aerial View of the Five Parcels

Note: The (5) five parcels are delineated within the dark lines that are crosshatched.
8. Surrounding Land Uses and Environmental Setting (describe the project's surroundings):

The project site is located at the northeast corner of Hargrave and Charles Street. Four (5) of the five (5) parcels currently have existing homes and accessory structures and there is one vacant parcel. The table below provides information with regard to the existing use on uses surrounding each of the properties.

<table>
<thead>
<tr>
<th>APN/Address</th>
<th>ACRES</th>
<th>EXISTING USE</th>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>543-090-003 963 Charles Street</td>
<td>1.13</td>
<td>Single-family homes and accessory structures</td>
<td>Vacant Land</td>
<td>Charles Street/Very Low density Residential</td>
<td>Single-family Home</td>
<td>Single-Family Home</td>
</tr>
<tr>
<td>543-090-004 981 Charles Street</td>
<td>1.26</td>
<td>Single-family homes and accessory structures</td>
<td>Industrial</td>
<td>Charles Street/Very Low density Residential</td>
<td>Single-family Home</td>
<td>Single-Family Home</td>
</tr>
<tr>
<td>543-090-014 941 Charles Street</td>
<td>0.17</td>
<td>Single-family homes and accessory structures</td>
<td>Industrial</td>
<td>Charles Street/Very Low density Residential</td>
<td>Single-family Home</td>
<td>Single-Family Home</td>
</tr>
<tr>
<td>543-090-017 No Address</td>
<td>3.72</td>
<td>Vacant</td>
<td>Single-family Home/Vacant Land</td>
<td>Charles Street/Vacant Land</td>
<td>Single-family Home</td>
<td>Hargrave Street/Lions Park</td>
</tr>
<tr>
<td>Total</td>
<td>9.28 acres</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Public Agencies whose approval or Participation is Required (i.e., for permits, financing approval, or participation agreements):

The General Plan Amendment and Zone Change is required to be reviewed by the Airport Land Use Commission as the project site is located within Zone E of the Banning Airport Land Use Compatibility Zone. Figure 2 shows the five parcels in relation to the airport.

City review of specific development proposals by the property owners will be required prior to development of the properties in the future.
Figure 4
Parcels location in relation to the Banning Municipal Airport
ENVIRONMENTAL ANALYSIS

1. INTRODUCTION

Purpose and Scope

This Initial Study/Mitigated Negative Declaration serves as the environmental review of the proposed Project, as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Banning Local Guidelines for Implementing CEQA.

In accordance with Section 15063 of the State CEQA Guidelines, the City of Banning is the lead agency and is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the adoption of the Housing Element and related implementation actions. Since there is no specific housing project proposed on any of the sites affected by the proposed General Plan and zoning amendments, the environmental analysis is evaluates impacts that would be anticipated as a result of the implementation of the Housing Element to the extent they can be known at this time.

PREVIOUS ENVIRONMENTAL DOCUMENTATION

A Final Environmental Impact Report (FEIR) for the Banning General Plan was prepared by the City of Banning in accordance with the California Environmental Quality Act (CEQA). The FEIR analyzed the environmental consequences of the development of the city according to the General Plan. The General Plan and FEIR were adopted by the Banning City Council on January 31, 2006 (Resolution No. 2006-13).

Prior to approval of subsequent actions, the City is required to determine whether the environmental effects of such actions are within the scope of the project covered by the FEIR, and whether additional environmental analysis is required. If the agency finds that pursuant to Sections 15162, 15164, and 15183 of the CEQA Guidelines no new effects would occur, nor would a substantial increase in the severity of previously identified significant effects occur, then no supplemental or subsequent EIR is required.

PURPOSE OF THIS INITIAL STUDY

Pursuant to state law, the City is required to evaluate the consequences of an amendment to the General Plan Land Use and changes to the Zoning designations for properties. The adoption of amendments to the General Plan and Zone Change is a “project” under CEQA. This Initial Study provides an analysis of whether the proposed General Plan amendment and Zone Change would result in any new or more substantial adverse environmental effects than were previously analyzed in the General Plan FEIR pursuant to CEQA Guidelines Sections 15162. The City, as
Lead Agency, has the authority for project approval and certification of the accompanying environmental documentation.

**BASIS FOR A SUBSEQUENT NEGATIVE DECLARATION**

Section 15162 of the State CEQA Guidelines states:

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.
The Final EIR certified in 2006 for the Banning General Plan evaluated the potential impacts of development of the City according to the land use designations set forth in the Land Use Element of the General Plan. The General Plan EIR evaluated the impacts associated with development of 32,198 additional housing units during the time horizon of the General Plan within the 23,555-acre study area, of which 14,824± acres are within the City limits. The proposed amendments to the General Plan Land Use Element and Zoning Map would replace the current land use and Zoning designations of five (5) properties from Industrial to Very Low Density Residential (0-2 dwelling units per acre). Four of the properties are already developed with single-family homes. The existing vacant lot that is located at the northeast corner of Hargrave and Charles Streets could be developed with up to two (2) dwelling units per acre. This increase is a negligible increase in residential development under the 2006 General Plan and current zoning.

The level of development reflected in the proposed general plan amendment and zone change is consistent with the current regional growth forecast, the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the City is required by state law to adopt land use plans and zoning regulations consistent with these regional plans and growth forecast.

Through the analysis presented in this document, the City of Banning has determined that potential impacts associated with the proposed General Plan amendment and Zone Change are not substantial. There are no new significant impacts resulting from these changes; in fact the impacts will be significantly reduced since the land use intensity and density will change from commercial to residential. In addition, the changes with respect to the circumstances under which the project will be undertaken would not result in new or more severe significant environmental impacts than previously analyzed.

SUMMARY OF FINDINGS

Based on the Environmental Checklist prepared for the project and supporting environmental analysis and pursuant to Section 15162 of the CEQA Guidelines, the City of Banning has determined, on the basis of substantial evidence in the light of the whole record, that:

(a) The proposed General Plan Amendment and the Zone Change do not propose substantial changes to the project which would require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the General Plan FEIR;

(b) There have been no substantial changes in circumstances under which the project will be undertaken that will require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the FEIR; and

(c) No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the FEIR or its conclusions.
There is no negative impacts resulting from the adoption of the proposed General Plan Amendment and Zone Change since the intensity and density of the land use will be significantly reduce by having the properties rezoned from Industrial to Very Low Density Residential.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Banning, in complying with the requirements of the Statutes and Guidelines for implementing CEQA.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Potentially Significant Impact”. Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

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

In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form. There are four possible responses to each question:

A. Potentially Significant Impact.

This response is used when the Project has the potential to have an effect on the environment that is considered to be significant and adverse.

B. Potentially Significant Unless Mitigation Incorporated.

This response is used when the Project has the potential to have a significant impact, which is not expected to occur because:

- Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,

- Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.
C. Less Than Significant Impact.

This response is used when the potential environmental impact of the Project is determined to be below known or measurable thresholds of significance and thus would not require mitigation.

D. No Impact.

This response is used when the proposed Project does not have any measurable impact.
3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, the City finds that:

- The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

- Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit C (attached), have been added to the Project. A Mitigated Negative Declaration will be prepared.

- The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.

- The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.

- Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved for distribution by: 

Signature: Zai Abu Bakar, Community Development Director 

Prepared by: Zai Abu Bakar, Community Development Director 

Date: October 8, 2013 

Public Review: October 11, 2013 through November 4, 2013
4. ENVIRONMENTAL ANALYSIS CHECKLIST

<table>
<thead>
<tr>
<th>1. AESTHETICS. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of Item 1c) through d) Scenic Vista, Scenic Resources, Visual Character, and Light and Glare. No Impact.**
The proposed General Plan Land Use and Zone Change from Industrial to Residential will not negatively impact the environment because the land use intensity and density will be reduced significantly by changing the land use and zoning from Industrial to Very Low Density Residential. The overall building height for Industrial zone is 2 stories or 60’ maximum. The overall building height for Very Low Density Residential Zones is two stories or 35’ maximum. Maximum lot coverage by building for an Industrial Zone is 60% while maximum lot coverage for a home on a Very Low Density Residential Lot is 25%. The overall height and bulk impact is significantly reduced with Very Low Density Residential Land Use and Zoning and; therefore, it minimizes view and aesthetic impacts for the area. In addition, lighting for the buildings and parking lot will be significantly reduced with the change in land use and zoning designations from Industrial to Very Low Density Residential since single-family homes do not have commercial parking lots.

**Explanation of Item 1a) and b). Scenic Vista and Scenic Resources. No Impact.**
The California Department of Transportation regulates scenic resources within State highway. In 1963, the California State Scenic Highway Program was established by State legislation (SB 1467). The purpose of the program is to help communities protect and enhance their natural and cultural uniqueness and beauty. According to Caltrans, a highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the travelers’ enjoyment of the view. Caltrans defines a State Scenic Highway as any freeway, highway, road, or other public...
right-of-way that traverses an area of exceptional scenic quality, containing striking views, flora, geology, or other unique natural attributes.

I-10 from SR-38 and SR 62 is an “eligible” State Scenic Highway. To be designated as ‘eligible” for State Scenic Highway status, this Section of I-10 must meet the following criteria:

a. Consist of scenic corridor that is comprised of a memorable landscape that showcases the natural scenic beauty or agriculture of California;
b. Existing visual intrusions do not significantly impact the scenic corridor;
c. Demonstration of strong local support for the proposed scenic highway designation; and
d. The length of the proposed scenic highway is not less than a mile and is not segmented.

The City must apply to Caltrans for the official designation, adopt the Corridor Protection Program, and receive notification from Caltrans that the highway has been officially designated State Scenic Highway. To receive Scenic Highway official designation, the scenic corridor of the highway must be identified and defined. Scenic corridor consists of land that is visible from the highway right-of-way and is comprised primarily of scenic and natural features. Topography, vegetation, viewing cistance, and/or jurisdictional lines determine the corridor boundaries. The City must adopt ordinances, zoning, and/or planning policies that are designed to protect the scenic quality of the corridor. These ordinances and/or policies make up the official “Corridor Protection Program.”

The City of Banning has not adopted a Corridor Protection Plan for the portion of the I-10 that traverses the City. Though eligible for designation, this section of the I-10 is not officially designated State scenic highway.

State Route 243 starts at Lincoln Street in Banning and traverses through the San Jacinto Mountains is designated State Scenic Highway. This portion of the highway is mostly visible from properties that are located immediately adjacent to State Route 243. The closest project site at the corner of Hargrave and Charles streets are approximately one-half (1/2) mile away from State Route 243. Therefore, there is no negative impact on scenic highway.

<table>
<thead>
<tr>
<th>II. AGRICULTURAL RESOURCES. Would the Project:</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------</td>
<td>------------------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forestland (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))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>d) Result in the loss of forestland or conversion of forestland to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
</tbody>
</table>

**Explanation for II. a) and e). Farmland and Conversion of Farmland. No Impact.**
The California Department of Conservation maintains information related to mapping and monitoring of farmland and farmland subject to Williamson Act contract. Based on the California Department of Conservation website at [www.consrv.ca.gov/dlrp/FMMP](http://www.consrv.ca.gov/dlrp/FMMP) and Riversides County Land Management System, there is no farmland that are of Statewide and regional importance on any of the candidate project sites. Therefore, the Project has no impact on Williamson Act Contract/Agriculture Preserve and it will not convert farmland to non-agricultural use.

**Explanation for II. b). Williamson Act Contract. No Impact.**
With regard to Williamson Act/Agricultural Preserve contract’s existence on the parcels, research was done on the Riverside County Transportation and Land Use Department’s website at: [http://www3.tlma.co.riverside.ca.us/PA/rclis/viewer](http://www3.tlma.co.riverside.ca.us/PA/rclis/viewer). The County’s website reveals no Williamson Act/Agricultural Preservation contracts in the City of Banning. Therefore, the project has no conflict with zoning for agriculture use and it also has no impact on Williamson Act/Agriculture Preserves contract.

**Explanation for II. c) and d) Forestland. No Impact.**
As indicated in the Explanation for Item II. b) above, the parcels proposed for General Plan
### III. Air Quality. Would the Project:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Explanation for III. a) through e) Air Quality. No Impact.**

The City of Banning is located within the South Coast Air Basin where air quality is regulated by the South Coast Air Basin. The South Coast Air Basin regulates short-term and long term air quality impact from stationary and non-stationary pollution sources. The South Coast Air Quality Management District (SCAQMD) adopted the latest Air Quality Management Plan (AQMP) in December 2012. The Air Quality Management Plan includes development information from the cities general plan within the South Coast air district boundaries including the City of Banning. The adopted AQMD included development industrial development at the time of adoption since the current General Plan and Zoning designations for the properties are Industrial. Industrial Zoning include assumptions that more emissions are to be generated because of the nature of land.

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use. These are emissions from vehicles such as trucks, passenger vehicles, and air quality related to the use and operations of the buildings. With the change from Industrial to Very Low Density Residential, the land use activities for the site will be less intense. Therefore, the air quality impact will be significantly reduced.

### IV. BIOLOGICAL RESOURCES

#### Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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**Explanation Item IV. a) through c) Habitat and Wildlife Resources. No Impact.**
The City of Banning is a signatory to the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). Within the MSHCP, there are requirements for which the City must comply with if the biological resources are affected. There are three features that are present in the City of Banning General Plan Study area which include: criteria areas, special linkage areas, and special survey area. The General Plan EIR on pages III-126 and III-127 and General Plan on page IV-48 define these areas in detail. The sites for the Project are located on vacant land that are either surrounded by existing development or located adjacent to an existing development and are not located in the criteria cell, special linkage areas, and special survey area. Therefore, the is no impact to habitat and wildlife resources.

**Explanation Item IV. d) through f) Fish or Wildlife Species, Biological Resources, Trees, and Conservation Plan. No Impact**
The project will not impact fish or wildlife species, habitat, corridors or wildlife nursery sites or conflict City policies or ordinances protecting biological resources including tree preservation or habitat conservation as the project area is not pristine site. There is no development proposed with the General Plan amendment and Zone Change at this time; therefore, there is no impact to fish or wildlife species, biological resources, trees and conservation plan. Future development on the site will need to comply with the City’s Municipal Code and environmental review at the time that the application is submitted for entitlement processing.

**V. CULTURAL RESOURCES. Would the Project:**

<table>
<thead>
<tr>
<th>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<th>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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</tr>
<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of V. a). Historical Resources. No Impact.**
The City's General Plan and General Plan EIR (pages IV-62 through IV-64) provides a listing of structures that are designated heritage properties and recorded historic era buildings. Review of the listing concluded that there is no listing of structures that are designated heritage properties and recorded historic era buildings on the project site. Therefore, there is no impact on historical resources.

**Explanation of V. b) and c). Archeological and Paleontological Resources. Less Than Significant.**
The General Plan indicated that less than one-third of the total acreage within the General Plan study area has been surveyed for archeological resources. The majority of the areas previously surveyed are located in the southern portion of the City on the Valley Floor, and these surveys encountered relatively few archeological sites or other cultural resources. The project site is located within an area that is low probability for archeological resources. The City's standard practice during development is that monitoring by a qualified archeologist shall be required during all earthmoving activities, grading, grubbing, trenching or other earth-moving activities on the project site. A City-approved project archeologist must create a mitigation-monitoring plan prior to earth-moving in the project area, a pre-grade meeting associated with the details of that plan must occur between the monitoring archeologist, the City representative, and the grading contractor before issuance of a grading permit. The Plan must discuss contingency plans associated with Native American tribal representation if any pre-historic artifacts are found during earth-moving. The mitigation-monitoring plan document must contain a description of how and where artifacts will be curated if found during monitoring. Because of the low probability of archeological and paleontological resources findings and with the City’s standard operating procedure, there is no impact to archeological and paleontological resources. At this time, there is no development proposed with the General Plan Land Use amendment and Zone Change; therefore, there is no impact on the environment.

**Explanation of V. d). Human Remains. Less Than Significant**
There is no development proposed with the General Plan Land Use Amendment and the Zone Change. However, at the time of future development, the Health and Safety Code Section 7050.5 requires that the Project follow the proper protocol when human remains are found on a construction project site. The City’s standard operating procedure is that if previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant
to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the discovery site. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. With the standard operating procedure, impact to human remains is less than significant. There is no proposal for development with the proposed General Plan Land Use amendment and the Zone Change; therefore, there

<table>
<thead>
<tr>
<th>VI. GEOLOGY AND SOILS. Would the Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
</tr>
<tr>
<td>□</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
</tr>
<tr>
<td>□</td>
</tr>
<tr>
<td>iv) Landslides?</td>
</tr>
<tr>
<td>□</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
</tr>
<tr>
<td>□</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-</td>
</tr>
<tr>
<td>□</td>
</tr>
<tr>
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<tr>
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</tr>
<tr>
<td>or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
</tr>
</tbody>
</table>

**Explanation of Item VI a) i) through iii) and c) Exposure to Risk to Earthquake. No Impact.**

The City’s General Plan Table V-1\(^2\) shows the various fault names, proximity to Banning, and seismic intensities. Exhibit V-3\(^3\) shows approximate locations of these fault zones including San Andreas fault. The entire area of the City is therefore susceptible to seismically induced ground shaking. There is no development project proposed at this time with the General Plan Land Use Amendment and Zone Change from Industrial to Very Low Density Residedential. Therefore, there is no exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury. In the future, should development takes place within the project site, all buildings and construction must comply with the California Building Code for occupancies.

**Explanation on Item VI, a), iv) Landslides. No Impact.**

The Project site is relatively flat and is not in the vicinity of slopes that are susceptible to landslide. Therefore, there is no landslide impact.

**Explanation on Item VI, b) Soil Erosion. No Impact.**

There is no development proposed with this General Plan Land Use Amendment and Zone Change from Industrial to Very Low Density Residential. Should there be any future development on the sites that would create the potential for soil erosion by removing existing vegetation or existing structures, the Project is required to adhere to conditions under the National Pollution Discharge Elimination System permit issued by the Regional Water Quality Control Board and prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to be administered through out project construction. The SWPPP will incorporate best management practices to ensure that the potential water quality impacts during construction from soil erosion would be reduced to less than significant levels. In the long-term, previously undisturbed soil will be replaced with structures, pavement, and new landscaping as part of the project. These improvements will not contribute to the conditions that result in on-site soil erosion or off-site.

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\(^2\) Page V-12 of the Banning General Plan, Environmental Hazards

\(^3\) Page V-13 of the Banning General Plan, Environmental Hazards
Therefore, there is no impact on soil erosion.

**Explanation on Item VI. d) Expansive Soil. Less Than Significant Impact**
The Project sites are located in low-lying areas of the City that are proposed for development. The General Plan indicates that low-lying areas of the City are underlain by alluvial fan sediments that are composed primarily from granular soils and thus the expansion potential for soils ranges from low to very low\(^4\). There is no development proposed at this time with this General Plan Amendment and Zone Change from Industrial to Very Low Density Residential. Should a development is proposed on the project site, the project is required to submit a soils and geotechnical report and recommendations in the soils report are to be incorporated into the project which reduced the project impact to less than significant. No mitigation measure is required.

**Explanation on Item VI. e) Septic Tank. No Impact**
The Project is required to use the City’s sewer system and not use a septic system. No mitigation measure is required.

<table>
<thead>
<tr>
<th>VII. GREENHOUSE GAS EMISSIONS. Would the Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
</tr>
</tbody>
</table>

**Explanation of Item VII. a) and b). Greenhouse Gas Emission. Less than Significant Impact.**
The proposed General Plan Amendment and Zone Change from Industrial to Very Low Density Residential designations would significantly reduce the generation of greenhouse gas emissions. This is due to the intensity of the land use has been reduced significantly because Very Low Density Residential development would generate significantly less traffic compared to Industrial Development. Low Density Residential Development at the most would generate approximately 20 homes on the gross land size of 9.28 acres compared to 242,542 square feet of industrial building.

There is no development proposed with the General Plan Amendment and Zone Change therefore

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\(^4\) Banning General Plan, Faragraph 1, page V-9, Environmental Hazards
there is no increase in the greenhouse gas. In fact, the greenhouse gas would be significantly reduced based on the residential land use.

<table>
<thead>
<tr>
<th>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<tr>
<td>![ ]</td>
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<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
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<td>![ ]</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
</tr>
<tr>
<td>![ ]</td>
</tr>
<tr>
<td>d) Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
</tr>
<tr>
<td>![ ]</td>
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<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?</td>
</tr>
<tr>
<td>![ ]</td>
</tr>
<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?</td>
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<td>![ ]</td>
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<tr>
<td>g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
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<td>![ ]</td>
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<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
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**Explanation of Item VIII. a), b), c), e), and f). Hazardous Materials. No Impact**

There is no new development proposed with the General Plan Amendment and Zone Change. However, should there be additional and new residential construction on the project site in the future, the project is required to comply with the the South Coast Air Quality Management District regulations regarding pollution generated from construction equipment.

Additionally in the future, construction water impact is regulated through the National Pollution Discharge Elimination System (NPDES) and State Water Pollution and Prevention Program as part of grading plan requirements. In the long-term, housing developments typically use cleaning and solvent products for household cleaners, swimming pool, landscape maintenance, and washing of automobi.es. Use of these products are governed by the manufacturer’s materials safety and data sheet which will not create hazards to people, environment, schools, and airport. No mitigation measure is required.

**Explanation of Item VIII. d) Hazardous Materials Site. No Impact**

The project site is not located on list of hazardous materials sites compiled per Government Code Section 65962.5. No mitigation measure is required.

**Explanation of Item VIII. g) Emergency Response. No Impact**

There is no development proposed with the General Plan Amendment and Zone Change. Should there be a development proposed on the project site in the future, the project is required to meet the fire department and emergency personnel access and route for emergency response and therefore will not interfere with the emergency response and evacuation plan. Additionally, the building Code currently requires that new homes provide fire sprinklers to mitigate fire impact. No mitigation measure is required beyond compliance with the building code.

**Explanation of Item VIII. h) Wildland Fire. No Impact**

The Project sites are located in low-lying areas within and adjacent to other developments and not adjacent to wildlands. Furthermore, the homes are required to comply with the Fire Code for which a sprinkler system is required for fire protection. No mitigation measure is required.

**IX. HYDROLOGY AND WATER QUALITY. Would the Project:**
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a)</td>
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<td>b)</td>
<td>☐</td>
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<td></td>
<td>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?</td>
<td>☐</td>
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<tr>
<td>c)</td>
<td>☐</td>
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<tr>
<td>d)</td>
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<td></td>
<td>Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e)</td>
<td>☐</td>
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<td>Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
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<tr>
<td>f)</td>
<td>☐</td>
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<td></td>
<td>Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g)</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td></td>
<td>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>☐</td>
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<tr>
<td>h)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Hazard Area, Structures that would impede or redirect flood flows?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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</table>

**Explanation of Item IX. a) Water Quality & Waste Discharge. No Impact.**

There is no new residential project proposed in conjunction with the General Plan Amendment and Zone Change. As there is no new construction, there is no new impact to water quality and waste discharge. In the future, construction activities associated with new housing development is subject to the National Pollutant Discharge Elimination System (NPDES) requirements. NPDES requires best management practices for site design, source control, and treatment of pollutants which include conservation of natural area, construct street, sidewalks, and parking lot aisles to the minimum width necessary, and minimize the use of impervious surfaces in landscape design. Source control best management practices include street sweeping, roof run-off controls, and water efficient irrigation systems for landscaping. Treatment control best management practices include biofilters for trash and debris, bacteria and viruses, and oils and grease.

The U.S. Environmental Protection Agency (EPA) regulates the Clean Water Act. Under Section 402 of the Clean Water Act, the EPA regulates and control storm water discharge into the waters of the U.S. through a program called National Pollutant Discharge Elimination System (NPDES). In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program. The SWRCB works in coordination with the local Water Quality control Board to preserve, protect, enhance, and restore water quality. The City of Banning is within the jurisdiction of the Colorado River Water Quality Control Board and is required to comply with the Clean Water Act.

**Explanation of Item IX. b). Ground Water Supply and Ground Water Recharge. No Impact**

There is no new housing construction proposed with the General Plan Amendment and the Zone Change. In the future, should there be new residential construction, the project will be required to connect to the City’s water supply system for household use and irrigation. The City is a water purveyor and evaluates the water supply needs every five (5) years through its water master plan. The demand included in the water master plan is sufficient to accommodate the projected water demand for the proposed project as . The Banning Municipal Code requires that the project pay for its demand for water through water connection fees to reduce impact to water supply. Compliance with the Municipal Code ensures that the project impact is less than significant. The
project sites are located in areas proposed for development and are not being used as ground
water recharge so it is not anticipated that the natural aquifer recharge process will be impacted.
No mitigation measure is required.

**Explanation of Item IX. c), d), and e) Drainage Pattern and Water Run-Off. No Impact.**
There is no new housing construction proposed with the General Plan Amendment and the Zone
Change therefore the project will not alter the existing drainage pattern of the area. In addition,
there is no stream or river on the project site and therefore, the project will not impact any
streams or river.

Any future housing development that are proposed on the project site require that it complies with
the City of Banning Municipal Code to contain the storm water run-off on site so as not to exceed
the pre-development condition so that the drainage pattern in the area is not altered. In addition,
the City of Banning Municipal Code requires that the project submit a hydrology study that will
determine pre- and post development flow of storm water. The recommendation of the hydrology
study is required to be incorporated onto the grading plan to ensure that the project does not
create flooding on- and off-site. No mitigation measure is required.

**Explanation of Item IX. f) Water Quality. No Impact.**
There is no new housing construction proposed with the General Plan Amendment and the Zone
Change; therefore, the project will not create new water pollutants that could be released from
the project site. The project would not otherwise degrade water quality.

**Explanation of Item IX. g), h), i) and j) Flooding. Inundation. No Impact.**
According to the National Flood Insurance Program, the Project sites are located on Map Index
Community Panel No. 06065C, Map revised August 28, 2008. The site is within Zone X, which
is outside of a 100-year flood hazard area, in and adjacent area to the levee or dam area. All
structures must comply with the City’s Grading Ordinance. Therefore, no structures will be
placed within the flood hazard area. There is no water bodies in the area where in the event of an
earthquake could create inundation by seiche, tsunami, or mudflow. No mitigation measure is
required.

<table>
<thead>
<tr>
<th>X. LAND USE AND PLANNING. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td></td>
</tr>
<tr>
<td>environmental effect?</td>
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<td></td>
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</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of Item X a) and c). Community and Habitat Conservation Plan. No Impact.**
The proposed General Plan Amendment and Zone Change will change the land use designation and zoning from Industrial to Very Low Density Residential. Four (4) of the five parcels are currently developed mostly with single-family homes and associated accessory structures, the general plan land use and zone change will remove the land use and zoning non-conformity and would make the project site consistent what was built and the general plan and zoning and also compatible with the land use and zoning for the neighborhood to the east of the project site and properties across the street.

The proposed General Plan Amendment and Zone Change will not conflict with any applicable habitat conservation plan or natural community conservation plan as there is no housing development that is proposed. Should there be any future housing construction, the developer of the housing development will be required to comply with the Western Riverside County Multi-Species Habitat Conservation Plan (MHSHP). The City a signatory to the MHSHP; therefore, any development project that are proposed within the City are required to pay in-lieu fees for development or provide mitigation consistent with the MHSHP.

**Explanation of Item X b). No Impact.**
The proposed General Plan Amendment and a Zone Change from Industrial to Very Low Density Residential would allow the existing structures/uses to conform to the land use and zoning. Therefore, there is no impact on the land use plan.

**XI. MINERAL RESOURCES. Would the Project:**

<table>
<thead>
<tr>
<th>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</th>
<th>☐</th>
<th>☐</th>
<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of Item XI. a) and b). Mineral Resources. No Impact**
Based on the General Plan Map for Mineral Resources Zone, the Project sites are located outside
of the area zones for Mineral Resources Zone\(^5\). Therefore, the project will not result in loss of the availability of known mineral resources that are of value to the State, the Pass Area, and to the City. No mitigation measure is required.

### XII. NOISE. Would the Project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of Item XII. a), b), and d). Noise Exposure, Groundborne Vibration, Ambient Noise. No Impact.**

The proposed General Plan Amendment and Zone Change will change the land use designation and zoning from Industrial to Very Low Density Residential. There is no housing development

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\(^5\) Exhibit IV-8 of the City of Banning General Plan, page IV-84.
proposed with the General Plan Amendment and Zone Change; therefore, there is no new noise impacts resulted from the proposal.

**Explanation of Item XII. c), and e). Permanent Increase in Noise and Exposure of People to Airport Noise. Less Than Significant Impact**

The proposed General Plan Land Use Amendment and Zone Change will not create an increase in noise levels since there is no homes construction are proposed. Future home construction requires compliance with the Municipal Code regarding noise that would be generated by construction and noise after the project is occupied. The General Plan policy and its EIR require that interior noise levels for residential development shall not exceed 45 dBA in accordance with the California Noise Insulation standards. During plan check process, the building and safety division will ensure that the interior noise levels of the residence meet the standard.

**Explanation of Item XII. f). Private Airstrip. No Impact**

The project will not impact a private air strip as there is no private airport within the City.

### XIII. POPULATION AND HOUSING. Would the Project:

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial 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)?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
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</tr>
<tr>
<td>b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Explanation of Item XIII. a). Population Growth. Less Than Significant Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Should a housing development is proposed, the entire project site could accommodate up to 18 dwelling units. Based on the current persons per household of 2.7, the

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6 Paragraph 1, the Community Noise and Land Use Compatibility Model, page V-49 of the General Plan Noise Element

7 Pages III-186 through III-188 of the General Plan Noise Element.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>project site is expected to generate 49 residents which is less than significant impact.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Item XIII. b) and c). Displacement of Housing and People. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction; therefore, it would not displace existing housing and people.

<table>
<thead>
<tr>
<th>XIV. PUBLIC FACILITIES. Would the Project:</th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.</td>
<td></td>
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</tbody>
</table>

**Explanation of Item XIV. a) through e). Public Facilities. Less Than Significant Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. The entire project site is anticipated to generate 18 dwelling units on a 9.28-acre site. The cumulative net increase of 14 housing units as compared to existing regulations, which would generate approximately additional 38 residents based on an average of 2.7 persons per dwelling unit. The increase in population will generate demand for fire protection, police protection, schools, parks, and additional public facilities.

**Fire Protection** - The City’s General Plan policy requires that the Fire Department maintain a 5-minute response time. Currently, fire protection services are provided by the County through Cal-Fire. The City has a three-party agreement with the City of Beaumont and Cal-Fire with regard to providing fire protection services for the City using Station 20 that is located at 1550 E. 6th Street in Beaumont in addition to services provided by the current station at 170 N. Murray Street. The California Building Code currently requires that new homes provide fire sprinkler

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8 Policy 9 page VI-38, Public Services and Facilities Element of the General Plan

32
system which would help reduce the impact to fire services. Additionally, new housing projects are required to pay fire impact fees which would provide for future facilities as the cities develop.

**Police Protection** - The General Plan policy requires that the Police Department maintain a level of service goal of 2.0 sworn officers per 1000 residents. The Project is required to pay police impact fees to mitigate impacts to police services. Payment of the impact fees reduces the Project impact to less than significant. No mitigation measure is required.

**Schools** – The Banning Unified School District provides educational facilities and services to students that would be generated by the Project. As the individual housing project site develop, the Project is required to pay school impact fees consistent with State law. Payment of school impact fees is deemed to have mitigated the impacts to schools which reduces the Project impact to less than significant. No mitigation measure is necessary.

**Parks** – The City’s General Plan requires that parks are maintained at a standard of 5 acres per 1,000 population.9 The proposed project is required to provide amenities for its population to enjoy in addition to payment of park impact fee for future development of park and facilities as the City grows. Payment of park impact fees mitigates the project impacts to less than significant. No mitigation measure is necessary.

**Other Public Facilities** – The Banning Public Library provides library services to the residents of Banning. The Library is funded by a library taxing district. The Project is required to pay its fair share costs to the County library district which in turn pays for providing the library system, including staffing and equipment.

<table>
<thead>
<tr>
<th>XV. RECREATION:</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

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9 Program 1.B page III-98, Community Development Element of the General Plan
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of Item XV. a) and b) Recreation. Less Than Significant Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future home construction will be required to pay parks impact fees. Payment of park impact fees will mitigate the project impacts to recreation to less than significant.

<p>| XVI. TRANSPORTATION/TRAFFIC. Would the Project: |   |   |   |   |
|---|--------------------------------|---|---|---|---|
| a) | Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☐ |
| b) | Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☐ |
| c) | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☐ |
| d) | Substantially increase hazards due | ☐ | ☐ | ☐ | ☐ |</p>
<table>
<thead>
<tr>
<th>No</th>
<th>Impact</th>
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**Explanation of Item XVI. a). Circulation System Effectiveness. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Therefore, there is no impact to the existing circulation system effectiveness. Any future home construction be required to pay the adopted traffic impact and Traffic Uniform Mitigation Fees (TUMF) to minimize project impact on existing roadway network.

**Explanation of Item XVI. b). Congestion Management Program. No Impact.**
Riverside County Transportation Commission is the Congestion Management Agency for Riverside County. The project will not conflict with the Congestion Management program as the future home construction project will be required to pay the TUMF fee. The TUMF fee is used for improvements to freeway and major highways to minimize project traffic impacts.

**Explanation of Item XVI. c). Change to Air Traffic. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development will be required to comply with the Riverside County Airport Land Use Commission’s regulations to ensure that the project will not impact the airport or area surrounding the airport.

**Explanation of Item XVI. d). Road Design. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development will be reviewed for compliance with the City standards as established in the City’s Municipal Code and Zoning Code including road design.

**Explanation of Item XVI. e). Emergency Access. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development are required to provide adequate access to
and from the project site to public right-of-way including road and road grade, driveway and driveway grade, drive aisle. Two points of access into and out of the project are required to be in compliance with the City’s Municipal Code and Zoning Code. Future housing construction would require compliance with the City Codes prior to issuance of grading and buildings permits. No mitigation is required.

**Explanation of Item XVI. f). Parking Capacity. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development is required to provide adequate parking in compliance with the Zoning Code.

**Explanation of Item XVI. g). Transit, Non-motorized transportation. No Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. The General Plan encourages people to rely on other modes of transportation including public transit, walking and bicycling. Subsequent housing projects will be reviewed to ensure that the project provides adequate pedestrian access to sidewalk and streets for people to walk and ride bicycles. No mitigation measure is required as the project will not impact transit, bicycling, and pedestrian facilities.

### XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c)</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f)</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g)</td>
<td>Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Explanation of Item XVII. a) Waste Water Treatment. Less Than Significant Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future waste water to be generated by the project is domestic sewage. Future housing developments will be required to connect to the City’s sewer system and pay their sewer connection fees. Any surface run-off from the project is addressed in Responses to Questions IX a), c), e), and f) of this Initial Study. Therefore, the waste water treatment requirements of the Regional Water Quality Control Board are not expected to be exceeded. In addition, the payment of fees for sewer connection will reduce the project impact to less than significant. No mitigation measure is required.

**Explanation of Item XVII. b) New Waste Water or Expansion of Facility. Less Than Significant Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future home construction will be required to connect to the City’s water and wastewater system. This includes on-site pipelines and unit connections to the City’s existing water and wastewater system. The construction of the on-site water and wastewater have been addressed as part of the Initial Study and impacts were found to be less than significant. The project will not require or result in construction or expansion of new water or waste water treatment facilities off-site. Therefore, there is no significant environmental effects associated with respect to water and wastewater.

**Explanation of Item XVII. c) New Storm Water or Expansion of Facility. Less Than Significant Impact.**
The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing projects are required to provide on-site storm water...
systems to prevent on-site flooding and impact to the adjacent development. The project also will be required to tie into the City’s storm drain system. The construction of the storm drain facilities has been considered in other parts of this Initial Study and is considered not to be significant. At the time of a specific project application, the City shall review the storm drain system plan in detail to ensure that it meets the requirement of the Municipal Code. Compliance with the Municipal Code will reduce the project impact to less than significant. No mitigation measure is required.

**Explanation of Item XVII. d) Water Supply. Less Than Significant Impact.**

The City’s 2010 Urban Water Management System which was adopted on June 28, 2011 anticipates that the City is capable of meeting the water demand of its customers in normal, single dry, and multiple dry years between 2015 and 2035. The City’s water supply comes from ground water and imported State water project through San Gorgonio Pass Water Agency. Eighty Seven (87) percent of the water supply comes from ground water in the Banning, Banning Bench, Banning Canyon, Cebazon, and Beaumont basins and less reliance on State imported water. The 2010 Urban Water Management Plan also includes a variety of best management practices\(^\text{10}\) to comply with the State mandate for water availability and conservation. In addition, the City is currently installing recycled water infrastructure to help off-site the demand for ground water. Furthermore by 2015, the extension of pipelines for EBX1 (State Water Project) to bring water to the City of Banning. Collectively, these measures will help ensure that the City has adequate water to support the demand of its customers including the project. The project will be required to provide adequate infrastructure to serve any future development on the project site and pay the water connection fee which will reduce the project impact to less than significant.

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\(^{10}\) Pages 98 through 114 of the adopted 2010 Urban Water Management Plan.
### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
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<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
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</table>

**Explanation of Item XVIII Mandatory Findings of Significance.**

a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?
Based on the analysis contained in this Initial Study/Negative Declaration, the Project has no impact on Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water, Land Use and Planning, Mineral Resources, Noise, and Transportation/Traffic. No mitigation measure is required.

Impacts to Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Population and Housing, Public Facilities, Recreation, and Transportation/Traffic, Utilities and Service Systems are less than significant impact.

b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)

The proposed General Plan Land Use amendment and Zone Change does not include a specific development proposal at this time, and future residential developments shall be required to comply with applicable policies, standards, regulations and mitigation measures identified herein, which would reduce potential impacts to a level that is less than significant.

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

As discussed in the above Sections, future residential developments shall be required to comply with applicable policies, standards, regulations and mitigation measures identified herein, which would reduce potential impacts, either directly or indirectly, on human beings to a level that is less than significant.
INCORPORATION BY REFERENCE

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents as authorized by Section 15150 of the State CEQA Guidelines. The following references were utilized during preparation of this Initial Study. These documents are available for review at the City of Banning City Hall located at 99 E. Ramsey Street, Banning, CA 92220.

City of Banning General Plan. The City of Banning General Plan ("General Plan") was adopted on January 31, 2006. It is a statement of community values and priorities and contains the plan for the future development and operation of the City. The 2006 General Plan Update, which brought the General Plan into conformance with changes in State law and other legal requirements: reflects changes in local population and economy since 1986; incorporates recent projections and assumptions regarding future growth; and responds to the issues, challenges and opportunities created by recent trends and developments.

The City of Banning General Plan incorporates the State-mandated and Non-mandated elements. The seven (7) mandated elements are: land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise. The rest of the elements are non-mandated elements. The General Plan is structured into five (5) major policy areas listed below:


Background and policy information from the General Plan is utilized in several sections of this Initial Study to provide setting and context and establish the regulatory framework, which governs development of the candidate sites.

City of Banning General Plan Final Environmental Impact Report (Certified January 31, 2006). This document, which was certified through City Council Resolution 2006-13, is comprised of the Draft and Final EIR. The analysis evaluated the impacts resulting from implementation of the City of Banning General Plan 2006. The General Plan EIR concluded that implementation of the General Plan would result in housing stock between 26,595 and 31,503 dwelling units at build-out in 2030. Additionally, the General Plan EIR concluded the build-out
population would be between 67,697 and 80,226 persons. The General Plan EIR was utilized throughout this Initial Study as a source of baseline and build-out conditions.

City of Banning General Plan Circulation Element Amendment Final Environmental Impact Report (Certified March 26, 2013). This document was certified through the City Council Resolution 2013-34, and comprised of the Draft and Final EIR. The analysis evaluated the impacts resulting from changing the citywide policy for roadway level of service (LOS) from LOS C to D and removing of Highland Home Road interchange from the City’s General Plan Circulation Element. This Circulation Element Final EIR is utilized throughout this Initial Study as a source of baseline and build-out conditions.

Banning Municipal Code (BMC). The City’s ordinances are codified in the “Banning Municipal Code” (BMC). The BMC consists of all of the City’s regulatory and penal ordinances and some of its administrative ordinances, codified pursuant to the California Government Coce. Information within the BMC was utilized in various sections of this Initial Study, in order to establish the existing regulatory framework.

Banning Zoning Ordinance (BZO). In contrast with the General Plan, which is comprehensive, long-range, general policy statement for the entire community, the Banning Zoning Ordinance (BZO) is a specific statement of permissible uses of land by zoning district designed to control the use, type, bulk, height, space, and location or buildings and land. The Zoning Ordinance is the primary tool by which the City implements the General Plan policies. The Zoning Ordinance is intended to be applied to the City based on land use designations established in the General Plan. Information within the BZO was utilized in various sections of this Initial Study, in order to establish the existing regulatory framework.

LIST OF PERSONS CONSULTED IN PREPARATION OF THIS INITIAL STUDY/NEGATIVE DECLARATION

Duane Burk, Public Works Director
ATTACHMENT 3
Aerial map of the five properties
ATTACHMENT 4
Existing Zoning
ATTACHMENT 5
Proposed Zoning
ATTACHMENT 6
Chapter 17.42 of the Banning Zoning Code regarding Animal Keeping Standards
Chapter 17.40  

ANIMAL KEEPING STANDARDS

Sections:

17.40.010 Purpose.
17.40.020 Applicability.
17.40.030 General standards.

17.40.010 Purpose.

The purpose of these standards is to clearly define the numbers of animals allowed in each of the Zoning districts. The Animal Keeping Standards are intended to:

A. Allow the keeping of animals as pets in all residential zones.

B. Allow the keeping and raising of animals on lots of sufficient size to accommodate a larger number of animals.

C. Preserve the enjoyment of their land by all property owners. (Zoning Ord. dated 1/31/06, § 9110.01.)

17.40.020 Applicability.

The provisions of this chapter shall apply to all zoning districts included in Division II of this Zoning Ordinance, including both existing and new or redeveloped projects, and single family homes, regardless of when they were constructed. (Zoning Ord. dated 1/31/06, § 9110.02.)

17.40.030 General standards.

A. Animals may be kept in the residential districts only. The keeping of animals on lands designated for commercial, industrial or public facilities uses is prohibited, except for pet stores and veterinary facilities as permitted in the commercial districts.

B. The keeping of animals shall conform to the following table:

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>R/A &amp; R/A/H</th>
<th>RR &amp; RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR &amp; MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dogs &amp; Cats²</td>
<td>Max. 8/lot³</td>
<td>Max. 8/lot³</td>
<td>Max. 3/lessthan 20,000 s.f.²</td>
<td>Max. 3/lot³</td>
<td>3/lot³</td>
<td>3/lot³</td>
</tr>
<tr>
<td>Pot-Bellied Pigs</td>
<td>2/acre. Max. 8</td>
<td>2/acre. Max. 8</td>
<td>2 in lieu of 2 dogs</td>
<td>1 in lieu of 1 dog</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Fowl</td>
<td>16/acre</td>
<td>16/acre</td>
<td>10</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Fowl, Male</td>
<td>1/20,000 s.f.</td>
<td>1/20,000 s.f.</td>
<td>1/20,000 s.f.</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Rabbits</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>5</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Large Animals³</td>
<td>5/acre</td>
<td>5/acre</td>
<td>3/20,000 s.f.⁴</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

¹ Any animal not specifically listed shall be classified by the director.
² Unweaned offspring shall not be counted in determining the number of dogs or cats.
³ Large animals shall include goats, sheep, horses, cattle, llamas, swine, emus and ostriches. The total number allowed is cumulative.
⁴ On substandard lots created prior to the adoption of this zoning ordinance in the VLDR district (lots of less than twenty thousand s.f.), one large animal shall be permitted on lots of twelve thousand s.f. to sixteen thousand s.f., and two shall be permitted on lots of sixteen thousand one s.f. to nineteen thousand nine hundred ninety-nine s.f.
⁵ For any lot less than twenty thousand s.f. a maximum of three dogs and cats, or any combination thereof, not to exceed three, shall be permitted.
⁶ For lot(s) twenty thousand s.f. and larger a maximum of six dogs and cats, or any combination thereof, not to exceed six, shall be permitted.
⁷ A maximum of three dogs or cats, or any combination thereof, not to exceed three, shall be permitted in the LDR zone district.
⁸ A maximum combined total of eight dogs and/or cats per lot shall be permitted in the R/A, R/A/H, RR and RR/H zone district.

(Banning Supp. No. 24, 3-13)

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C. All animal keeping shall comply with all laws regarding the proper care and number of animals.

D. All animal keeping structures shall comply with the development standards of the zone in which they are located, including setbacks.

E. All animals shall be kept in fenced enclosures at all times. Dogs and cats may be kept in fenced yards without additional enclosures, if proper shelter is provided. Pot-bellied pigs, fowl, rabbits and large animals shall be kept in appropriate enclosures within a fenced yard (pig runs, chicken coops, rabbit warrens, corrals and/or stables).

F. Each pot-bellied pig shall be provided a minimum of seventy-five square feet in an enclosure.

G. Each large animal shall be provided a minimum of four hundred square feet of fenced area.

H. All facilities shall be kept in a clean and sanitary manner at all times.

I. The offspring of large animals shall not be counted in determining the number of animals on a lot, if the offspring is within the following age range:

1. Horses: six months;
2. Cattle: six months;
3. Swine: ninety days;
4. Sheep: ninety days;
5. Goats: ninety days;
6. Llamas: twelve months;
7. Emus and ostriches: four months.

J. No person shall allow to remain on a property, an animal which habitually disturbs the peace and quiet of the inhabitants of a neighborhood by howling, barking, crying, braying, or making other similar noises.

K. Exotic animals not listed above are prohibited. (Zoning Ord. dated 1/31/06, § 9110.03; Ord. No. 1393, § 2.)
ATTACHMENT 7
Public Hearing Notice
NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, November 6, 2013, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the environmental document (Initial Study/Negative Declaration) and City initiated General Plan Amendment and Zone Change. General Plan Amendment No. 13-2505 and Zone Change No. 13-3503 is a proposal to change the land use and zoning designations for five (5) properties located at the northeast corner of Charles and Hargrave from Industrial to Very Low Density Residential. There is no new development proposed at this time. Assessor’s Parcel Numbers involved include the following: 543-090-003 (963 Charles Street); 543-090-004 (981 Charles Street); 543-090-014 (941 Charles Street); 543-090-016 (911 Charles Street); and 543-090-017 (No Street Address — Vacant Lot). To locate these parcels, please go to the Riverside County website and type in http://www3.tlma.co.riverside.ca.us/pa/relis/viewer.htm in the search engine and follow the instructions on the page.

Information regarding the Initial Study/Negative Declaration, General Plan Amendment, and the Zone Change can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. Comments on the Initial Study/Negative Declaration must be submitted by November 4, 2013.

All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.

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

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

Zai Abu Bakar
Community Development Director

Dated: October 8, 2013
Publish: October 11, 2013
ATTACHMENT 8
Mailing Labels
Affidavit

I, Holly Stuart, certify that the Notice of Public Hearing before the City of Planning Commission, to be held on Wednesday, November 6, 2013 at 6:30 p.m., to consider the environmental document (Initial Study / Negative Declaration) related to General Plan Amendment (GPA) No. 13-2505 and Zone Change (ZC) No. 13-3503 was mailed United States Postal on Thursday, October 10, 2013 as shown in the attached sce.

Holly Stuart
Development Project Coordinator

10/10/13
Date
543231011
HOLLY GARY MILLS & SANDRA
1073 DRIFTWOOD CIR
BANNING CA 92220

543240002
HARDER LAURIE A
1040 CALDERON WAY
BANNING CA 92220

54320012
CARRAJAL MAXIMO PEREZ
P O BOX 630
CARAZON CA 92230

541320013
SMITH JERSEY A & JUDITH A
1060 E BARMOUR AVE
BANNING CA 92220

541320014
CALDER SHIRLY M
1725 N SAN GORGONIO
BANNING CA 92220

541310032
COX PAUL A & KRISTA
637 S HARGRAVE ST
BANNING CA 92220

541320006
LERMA JESUS F
720 S HARGRAVE ST
BANNING CA 92220

541310019
DELIGHT ARTHUR C & CHARLENE J
209 18TH ST
MANHATTAN BEACH CA 90266

541320010
MORRIS CARL RICHARD
1166 N 4TH ST
BANNING CA 92220

541320011
MORRIS RONALD
1226 CHINABERRY ST
YUCAIPA CA 92399

541320023
MORRIS FAMILY LIVING TRUST
785 S HARGRAVE ST
BANNING CA 92220

543050017
DEMISSIE BILETE & AMSALE BIRRHA
467 N SAN GORGONIO AVB
BANNING CA 92220

543050004
KIRCHNER KHANIM PAWZIA
981 E CHARLES ST
BANNING CA 92220

543080008
CITY OF BANNING
CA

543230008
SANCHEZ JOSU LUIS & ESPERANZA
941 DRIFTWOOD CIR
BANNING CA 92220

543230007
FELIX THOMAS A & GEORGI A
949 DRIFTWOOD CIR
BANNING CA 92220

543090026
CASSIE MICHAEL KHANIM
981 E CHARLES ST
BANNING CA 92220

543120009
MONIZ ANA
780 S HARGRAVE ST
BANNING CA 92220

541320007
GAMBOA ANGELICA D
3456 BADLEY DR
MIRA LOMA CA 91752

543090016
HEAM GUADALUPE
13856 MRADOW VIEW LN
YUCAIPA CA 92399

543230012
BLACKFORD AMBER B
948 DRIFTWOOD CIR
BANNING CA 92220

543230016
BENTLEY TCM
1075 CHARLES ST
BANNING CA 92220

543090014
FLORES YESENIA
1330 S HARGRAVE ST
BANNING CA 92220

543230018
ESPINOZA MIGUEL
655 W WESTWARD AVE
BANNING CA 92220

543690003
VELARDO ELSON MISAIL
544 S 92TH WAY
MBSA AZ 85208

543240001
HUBRITA GLORIA M & RAMON G
1002 CALDERON WAY
BANNING CA 92220

543230017
CHAVIRA HUMBERTO BUSTAMANTE
1074 CHARLES ST
BANNING CA 92220

543090021
FEDERAL HOME LOAN MORTGAGE COR
3476 STATEVIEW BLVD
FORT MILL SC 29715

543090023
HAPPY PAWS LTD
P O BOX 0994
ST GEORGIA UT 84771
Torres Martines Dessert
Cahuilla Indians
Attn: Mathew Krystal
P.O. Box 969
Thermal, CA 92274

Native Heritage Commission
Attn: Dave Singleton
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691

Pechanga Band of Luiseno Indians
Attn: Paul Macarro
P.O. Box 1477
Temecula, CA 92593

Augustine Band of Cahuilla Indians
Attn: David Saldivar
P.O. Box 846
Coachella, CA 92236

Twenty-Nine Palms Band of Mission Indians
Attn: Anthony Madrigal
46-200 Harrison Place
Coachella, CA, 92240

Banning Unified School District
161 West Williams Street
Banning, CA 92220

Morongo Band of Mission Indians
Attn: William Madrigal
49750 Seminole Dr.
Cabazon, CA 92230

Cahuilla Band of Indians
Attn: Yvonne Markel
P.O. Box 391760
Anza, CA 92539

The Ramona Band of Cahuilla Indians
Attn: John Gomez
56310 State Highway 371 B
Anza, CA 92539

Joseph Ontiveros
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581

Patricia Garcia-Tuck
Tribal Historic Preservation Office
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92264

County Clerk
County of Riverside
P.O. Box 751
Riverside, CA 92501

Santa Rosa Band of Cahuilla Indians
Attn: Steven Estrada
P.O. Box 391820
Anza, CA 92539

Cahuilla Band of Indians
Attn: Yvonne Markel
P.O. Box 391760
Anza, CA 92539

Fort Mohave Indian Tribe
Attn: Linda Otero
500 Merriman Avenue
Needles, CA 92363

Joseph Ontiveros
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581

Patricia Garcia-Tuck
Tribal Historic Preservation Office
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92264

City of Beaumont
550 East Sixth Street
Beaumont, CA 92223