I. CALL TO ORDER: Chairman Siva

➢ Pledge of Allegiance: Commissioner Price

➢ Roll Call: Chairman Siva, Commissioner Briant, Commissioner Ellis, Commissioner Price 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, or items which are on the Agenda that 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 November 5, 2014 meeting.
IV. PUBLIC HEARINGS

1. GENERAL PLAN AMENDMENT NO. 14-2501, ZONE CHANGE NO. 14-3501 AND ZONE TEXT AMENDMENT NO. 15-97501 FOR EIGHTEEN (18) PROPERTIES LOCATED ON THE SOUTH SIDE OF BARBOUR STREET, BETWEEN HARGRAVE STREET AND JUAREZ STREET

Staff Report.................................................................................................................................Page 25

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)

Recommendation:

That the Planning Commission takes the following action:

1. Adopt Planning Commission Resolution No. 2015-01:
   a. Recommending to the City Council the adoption of a Resolution approving the Initial Study/Negative Declaration (Attachment 2) for General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501;
   b. Recommending to the City Council the adoption of a Resolution approving General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 to change the General Plan land use designations and Zoning classifications of nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, from Industrial (I) to Low Density Residential (LRD) and nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size); and
   c. Recommending to the City Council the adoption of Ordinance No. 1484 amending Section 17.08.030 (General Standards) Table 17.08.030 (Residential Development Standards) of the City’s Zoning Ordinance pertaining to the minimum lot size per single family unit for the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020) within the proposed Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) Zone.
2. GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503 FOR TWELVE (12) PROPERTIES LOCATED NORTH OF GILMAN STREET WEST OF 8TH STREET

Staff Report

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)

Recommendation:

That the Planning Commission takes the following action:

1. Adopt Planning Commission Resolution No. 2015-02:

   a. Recommending to the City Council the adoption of a Resolution approving the Negative Declaration (Attachment 2) for General Plan Amendment No. 14-2503 and Zone Change No. 14-3503; and

   b. Recommending to the City Council the adoption of a Resolution approving General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to change the General Plan land use designations and Zoning classifications for certain portions of three (3) properties (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park located north of Wilson Street between 16th Street and 20th Street from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and for certain portions of nine (9) properties (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within approved Tentative Tract Map No. 33540 located north of Gilman Street west of 8th Street from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR). Conduct a public hearing on the Addendum to the Initial Study/mitigated Negative Declaration; General Plan Amendment No. 14-2502, zone change no. 14-3502, Zone Text Amendment No. 14-97501 (Ordinance No. 1482).
V. STUDY SESSION ITEMS

1. ABANDONED SHOPPING CARTS

Staff Report.................................................................Page 243

Recommendation:

That the Planning Commission takes the following action:

1. Review the existing regulations, Chapter 5.52 “Shopping Carts,” of the Banning Municipal Code and provide direction to staff regarding possible amendments to the Municipal Code, if necessary; and

2. Hear a report from staff regarding the exchange of dialog during the meeting held with stakeholders as directed by the Planning Commission; and

3. Hear public comments regarding examples of regulations and policies that addresses abandoned shopping carts.

2. SIGN REGULATIONS

Staff Report............................................................Page 279

Recommendation:

That the Planning Commission takes the following action:

1. Review the existing regulations, Chapter 17.36 “Sign Regulations,” of the Banning Municipal Code and provide direction to staff regarding possible amendments to the Municipal Code, if necessary; and

2. Hear a report from staff regarding recommendations from the City’s Sign Advisory Committee as directed by the City Council; and

3. Hear public comments regarding examples of regulations and policies that addresses sign regulations.

VI. PLANNING COMMISSIONER COMMENTS

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

VIII. ADJOURNMENT
The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of February 4, 2015 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].
A regular meeting of the City of Banning Planning Commission was held on Wednesday, November 5, 2014 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  Chairman Siva
Commissioner Briant
Commissioner Price
Commissioner Shaw

Commissioners Absent:  Vice-Chairman Ellis

Staff Present:  Acting Community Development Director, Brian Guillot
Assistant City Attorney, Lona Laymon
Recording Secretary, Holly Stuart
Acting Development Project Coordinator

I. CALL TO ORDER

II. PUBLIC COMMENTS:

No public comments.

III. CONSENT CALENDAR

1. Minutes of October 1, 2014

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

IV. INTRODUCTION INTO PLANNING TRAINING

Acting Community Development Director Brian Guillot provided a Community Development Planning 101 training session for the Commission and members of the public in the Large Conference Room, then re-adjourn Planning Commission meeting in the Council Chambers.
V. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

None

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

_________________________________
Sandra Calderon
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.
Arnold Schwarzenegger, Governor

California Planning Guide: An Introduction to Planning in California

Governor’s Office of Planning and Research
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Sean Walsh, Director, OPR
Terry Roberts, Director, State Clearinghouse
Shauna Pellman, Planning Intern

December 2005 Edition
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INTRODUCTION

The *California Planning Guide* is an introduction to the planning process in California. It explains the basic tools used in the planning process including the General Plan, zoning, and the California Environmental Quality Act (CEQA). In addition, this publication provides a very general overview of several complex planning laws. Readers should refer to the text of these laws for a complete and detailed understanding of their specific provisions. This planning guide focuses on planning from the perspective of cities and counties, although there are numerous other agencies involved in land use planning decisions. Additional sources of information are provided at the end of this publication.

The Governor’s Office of Planning and Research is responsible for the administration of the California Environmental Quality Act and provides technical assistance to local planners, community residents, and state agencies and departments on planning in California. This planning guide is part of a series of technical memos and advisories intended to inform planning professionals and the general public.

The *California Planning Guide* is an update of a 1989 publication written by Antero Rivasplata, whose contribution is gratefully acknowledged.

Please feel free to reproduce all or part of this document. You need not secure permission; we ask that you print it accurately and give credit to the Governor’s Office of Planning and Research.
THE PLANNING PROCESS

Planning is the process of deciding how a community uses its land and other resources. The planning process involves analyzing the environmental and socioeconomic impacts of development and infrastructure projects. Planning decisions usually require local political approval, and reflect the desires and interests of the community. Local and state laws define the process for making planning decisions. (Government Code Sections 65000-66037).

The State delegates most local land use and development decisions to cities and counties. State law requires that each incorporated city and county adopt "a comprehensive, long-term general plan for [its] physical development." This general plan is the foundation for community decisions that will affect the future location of housing, business, industry, roads, parks, and other land uses, protect the public from noise and other environmental hazards, and conserve natural resources. Each community’s elected legislative body, upon recommendation of their planning commission, implements its general plan through its zoning, subdivision, and other ordinances.

There is no requirement that adjoining cities or counties have identical, or even similar, plans and ordinances. Each city and each county adopts its own general plan and development regulations. In turn, each is solely responsible for the planning decisions made within its jurisdiction.

Groups Involved in Planning

In most communities, the city council or board of supervisors appoints one or more groups to consider planning issues. Some of the more common planning groups are:

- The Planning Commission, which considers general plan and specific plan amendments, zone changes, major subdivisions, conditional use permits, and variances.
- The Zoning Adjustment Board, which may also consider conditional use permits, variances, and other minor permits.
- The Architectural Review or Design Review Board, which reviews projects to ensure that they meet community aesthetic standards or follow community design guidelines.

Often these appointed groups have the power to approve projects, subject to appeal to the council or board of supervisors. In some cities and counties, these appointed groups simply advise the elected officials on the projects that they review, leaving actual project approval to the city council or board of supervisors.

Public Involvement

State planning laws require cities and counties to involve the public before making certain planning decisions. Members of the public can be involved in planning in a variety of ways. They can vote for local government officials who support their vision of the community; contact local officials about planning issues; participate in a neighborhood group; learn from and

The Brown Act

Cities and counties must provide advance public notice of the hearings and meetings of their councils, boards, and other groups. Meetings and hearings, with some exceptions, must be open to the public (Government Code Sections 54950 - 54963 and 65090 et seq.).
educate others in the community about planning issues; and participate in government sponsored planning meetings, focus groups, and public hearings.

Many local planning issues require a public hearing before the issue can be approved by the local legislative body or appointed commissions. A public hearing is open to everyone, and offers the opportunity to learn about an issue and to express one’s opinion about the issue. The agency holding the hearing must provide public notice of the hearing at least ten days in advance. Interested persons can request to be on the agency’s mailing list to receive information about specific projects.

ANNEXATION AND INCORPORATION

Annexation (the addition of territory to an existing city or special district) and incorporation (creation of a new city) are controlled by the Local Agency Formation Commission (LAFCO) established in each county by state law. A LAFCO is made up of elected officials selected by their counties, cities, and, in some cases, special districts. LAFCO duties include: (1) establishing the spheres of influence that designate the ultimate service areas of cities and special districts; (2) studying and approving requests for city annexations; and, (3) studying and approving proposals for city incorporations (Government Code Section 56000 et seq.).

Sphere of Influence

The sphere of influence designates the physical boundaries and service area of a city or special district. Each county’s LAFCO is responsible for establishing a sphere for each city and special district in the county. The purpose of the sphere is to act as a benchmark for future annexation decisions.

Cities cannot establish their own sphere of influence. The LAFCO has sole responsibility for doing this. However, a city may request that the LAFCO amends its sphere. Some cities use their sphere of influence as a boundary for their general plan.

Annexation

When the LAFCO receives an annexation request, it will convene a hearing to determine the merits of the proposal. Annexations may be requested by affected landowners or by a city.

The LAFCO will deny, approve or conditionally approve annexation proposals based on its policies and state law. For example, annexation cannot occur unless the LAFCO has adopted a sphere of influence for the city seeking the annexation and the area proposed to be annexed is within the city's sphere. The LAFCO members tentatively approve requests for annexation hearings, and, if necessary, an election. Annexations which have been passed by a vote of the inhabitants or which have not been defeated by protest (in those instances where no election was required) must be certified by the LAFCO and meet all its conditions before they become final. The LAFCO, not the city, has final responsibility for the annexation process.

Incorporation

When a new city is proposed to be formed, the LAFCO studies the financial feasibility of the proposed city, its financial impact on
the county and special districts, and the provision of public services. If the proposal is not financially feasible, the LAFCO can terminate the proceedings. If the proposed city appears to be feasible, LAFCO will refer the proposal (and a set of conditions to be met upon incorporation) to the county board of supervisors for a public hearing on the subject. Incorporation proceedings are terminated if the supervisors receive protests from a majority of the voters residing within the proposed city boundaries. If they do not receive a majority protest, an election will be held on the question of whether to create the city and to elect city officials.

The General Plan

The general plan is a community's blueprint for future development. It describes a community's development goals and policies. It also is the foundation for land use decisions made by the planning commission, city council, or board of supervisors.

A general plan consists of at least two parts. It must contain a written text describing the community's goals, objectives, and policies for development. It must also contain a map (or maps) and diagrams illustrating the generalized distribution of land uses, the road system, environmental hazard areas, the open space system, and other policy statements that can be illustrated (Government Code Section 65302). The maps and diagrams must work together with the written portions of the plan to establish a clear view of the community's future.

The general plan must contain at least seven components (called mandatory elements) addressing a set of basic planning issues (Government Code Section 65302). Each city and county determines the relative importance of these issues to their local circumstances and decides how they are to be discussed in the general plan. They may also voluntarily adopt additional elements, called optional elements, covering subjects of local interest. Some examples of optional elements include: air quality, recreation, community design, or public facilities.

Although general plans are not required to follow a standard format, many contain similar features. Some of the things to look for in the written portion of a general plan are goals (abstract and general expressions of community values), objectives (specific intermediate steps in attaining a goal), policies (specific statements that guide decision making), and implementation programs (descriptions of how the goals, objectives, and policies are to be put into action). Many plans also contain background information about the community, such as population projections, traffic levels, natural hazards, community history, and housing characteristics.

The General Plan and Zoning Are Not the Same

A general plan is a set of long-term goals and policies that the community uses to guide development decisions. Although the plan establishes standards for the location and density of land uses, it does not directly regulate land use.

Zoning, on the other hand, is regulatory. Under the zoning ordinance, development must comply with specific, enforceable standards such as minimum lot size, maximum building height, minimum building setback, and a list of allowable uses. Zoning is applied lot-by-lot, whereas the general plan has a community-wide perspective.
The Seven Required Elements

1. **Land use element**: designates the general location and density of housing, business, industry, open space, public buildings and grounds, waste disposal facilities, and other land uses.

2. **Circulation element**: identifies the general location and extent of existing and proposed major roads, transit routes, terminals, and public utilities and facilities. It must correlate with the land use element.

3. **Housing element**: assesses current and projected housing needs for all economic segments of the community and region. It identifies local housing policies and the programs that implement those policies.

4. **Conservation element**: addresses the conservation, development, and use of natural resources including water, forests, soils, rivers, and mineral deposits.

5. **Open-space element**: details plans and measures for preserving open-space for natural resources, outdoor recreation, public health and safety, and for agriculture.

6. **Noise element**: identifies and appraises noise problems within the community and influences the distribution of land uses.

7. **Safety element**: establishes policies to protect the community from natural and manmade hazards (e.g. seismic, geologic, flood, wildfire, and toxic materials hazards.)

Consistency

The general plan is the basis for all local land use decisions. Zoning (except in most charter cities), subdivisions, and public works projects can only be approved when they are consistent with the general plan. An action, program or project is consistent with the general plan if, considering all its aspects, it will further the goals, objectives and policies of the plan and not obstruct their attainment.

Not only must all local land use be consistent with the general plan, the plan itself must be internally consistent. Each part of the general plan, be it a goal, policy or map/diagram, must mesh with all of the other parts of the plan. For instance, the land use element must not contain statements or assertions that conflict with the housing element. Similarly, the location of a major highway on the land use element diagram must match its location on the circulation element diagram as well.

**Charter Cities**

All of California’s largest cities are charter cities, which mean they have been incorporated under their own laws rather than state laws. Charter cities are exempt from the requirement that zoning be consistent with the general plan unless the charter city requires such consistency by its own charter or ordinance, or the city has a population over two million. Although charter cities have broader powers to enact land use regulations than do general law cities, the consistency exemption applies only to zoning, and not to subdivision map approval, public works construction, or other land use approvals.
Adopting and Amending the Plan

The process of adopting or amending a general plan requires public participation. Cities and counties must hold public hearings for such proposals. Advance notice of the place and time of the hearing must be published in the newspaper (when there is no paper, notice must be posted in the vicinity of the project site) and also mailed directly to the involved property owners. State planning law also requires that cities and counties consult with California Native American tribes prior to adopting or amending the general plan. Copies of the adopted or amended plans must be available for public purchase within two days after a final decision.

Each of the general plan's seven required elements can be amended only four times per calendar year. More than one change may be considered at each of these four opportunities. Optional elements can be amended at any time.

The planning commission, and the city council or county board of supervisors, must each hold at least one public hearing prior to approving or amending the plan. The commission usually holds its hearing first and makes specific recommendations to the council or board. A recommendation for approval must be made by a majority of the total membership of the commission.

The council or board will take final action on the proposals at their hearing. Approvals must be made by a majority of the total membership of the council or board. If they make substantial changes to any planning commission recommendations, those items must be sent back to the commission for further study and recommendations before a final decision is made. The commission will have 40 days in which to make any further recommendations.

Community Plans

A Community plan focuses planning efforts on a smaller area or neighborhood. A community plan is part of the local general plan. It addresses issues pertinent to a particular area or community within the city or county and supplements the policies of the general plan. Accordingly, it must be consistent with the general plan in all respects.

Specific Plans

A specific plan implements, but is not technically a part of, the local general plan. Specific plans describe allowable land uses, identify open space, and detail infrastructure availability and financing for a portion of the community. In some jurisdictions, specific plans also take the place of zoning. These specific plans must be consistent with the general plan. In turn, zoning, subdivision, and public works decisions must comply with the provisions of the specific plan. Specific plans are adopted and amended in the same manner as general plans.

ZONING

The distribution of residential, commercial, industrial, and other zones must be based on the pattern of land uses established by the community's general plan. Zoning maps illustrate how all uses are distributed geographically.

Zoning is adopted by ordinance and carries the weight of local law. Land may be put
Overlay Zones

Overlay zones provide an additional layer of standards. They are often set up to protect natural and cultural areas such as historic districts, residential enclaves, wetlands, water fronts, and scenic views.

Form-based Code

In 2004, Assembly Bill 1268 was passed allowing the use of form-based codes. This bill changed planning law to allow form and design to be expressed in a community’s Land Use Element and Zoning Ordinance. Traditional zoning creates zones that allow certain building uses. Form-based code is more flexible about building uses in each zone, and more stringent about design elements such as architecture, landscaping, and ways of making streets and sidewalks bike and pedestrian friendly.

Rezoning

If a landowner proposes a use that is not allowed in that zone, then a change of zone (rezoning) is required for that use to occur. The local planning commission and the city council or county board of supervisors must hold public hearings before property may be rezoned. The council or board is not obligated to approve requests for rezoning and, except in charter cities, must deny such requests when the proposed zone conflicts with the general plan.
Figure 1: Sample of a Zoning Map

City of Coachella*

* Reprinted with permission from the City of Coachella.
Variance

A variance is a limited waiver of development standards allowed by the zoning ordinance. It may be granted, after a public hearing, in special cases where: (1) strict application of the zoning regulations would deprive property of the uses enjoyed by nearby lands in the same zone; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege.

A variance does not permit a use that is not otherwise allowed in that zone (for example, a commercial use may not be approved in a residential zone by variance). Economic hardship alone is not sufficient justification for approval of a variance.

Typically, variances are considered when the physical characteristics of the property make it difficult to use. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed.

Conditional Use Permits (CUPs)

Some types of land uses are only allowed upon approval of a conditional use permit (also called a CUP or special use permit) after a public hearing. These uses might include community facilities (i.e., hospitals or schools), public buildings or grounds (i.e., fire stations or parks), temporary or hard-to-classify uses (i.e., Christmas tree sales), or uses with potentially significant environmental impacts (i.e., hazardous chemical storage or surface mining). The local zoning ordinance specifies the uses for which a conditional use permit is required, the zones they may be allowed in, and the public hearing procedure.

A CUP imposes special development requirements to insure that the use will not be detrimental to its surroundings. Requirements might include, for example, additional landscaping, soundproofing, limited hours of operation, additional parking, or road improvements. A CUP does not rezone the land.

What is Smart Growth?

Smart Growth is development that serves the economy, the community, and the environment. It changes the terms of the development debate away from the traditional growth/no growth question to “how and where should new development be accommodated.” Smart Growth answers these questions by simultaneously achieving:

- Healthy communities that provide families with a clean environment. Smart growth balances development and environmental protection – accommodating growth while preserving open space and critical habitat, reusing land, and protecting water supplies and air quality.
- Economic development and jobs that create business opportunities and improve local tax base; that provide neighborhood services and amenities; and that create economically competitive communities.
- Strong neighborhoods which provide a range of housing options giving people the opportunity to choose housing that best suits them. It maintains and enhances the value of existing neighborhoods and creates a sense of community.
- Transportation choices that give people the option to walk, ride a bike, take transit, or drive.
SUBDIVISIONS

In general, land cannot be subdivided in California without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances based on the state Subdivision Map Act (commencing at Government Code Section 66410). The local general plan and the zoning, subdivision, and other ordinances govern the design of the subdivision, the size of its lots, and the types of improvements that will be required as conditions of approval.

There are basically two kinds of subdivisions: (1) parcel maps, which are limited to divisions resulting in fewer than 5 lots (with certain exceptions), and (2) subdivisions (or tract maps), which create 5 or more lots.

Tract maps and, where provided by local ordinance, parcel maps are approved in two stages.

Tentative Map

Upon receiving an application for a tentative subdivision map, the city or county staff will examine the design of the subdivision to ensure that it meets the requirements of the general plan and the subdivision ordinance. An environmental impact analysis must be done and an advertised public hearing held before a tentative map is considered for approval. If approved, the map will be subject to conditions that the subdivider must meet within a specific time period. While these conditions are being met, no lots have been officially approved.

Final Map

When all of the conditions set out in the approved tentative map have been satisfied, and compliance certified by city or county officials, the city council or county board of supervisors will approve a final map. Unlike a tentative map, which can be denied if it does not meet city or county standards, the final map must be approved (with some exceptions) if it substantially complies with the previously approved tentative map. The subdivider may now record the map at the County Recorder's office.

Subdivision approval is conditioned upon the subdivider providing public improvements such as streets, drainage facilities, water supply or sewer lines to serve the subdivision. They may also be required to dedicate park land to the community. These improvements must be installed or secured by bond before the city or county will grant final map approval and allow the subdivision to be recorded in the county recorder's office.

Lots within the subdivision cannot be sold and are not legal divisions of land until a final map has been recorded. The subdivider has at least two years (and with extensions, usually more) in which to comply with the improvement requirements, gain final administrative approval, and record the final map.

PROJECT APPROVAL PROCESS

Permits

Most projects require one or more permits, depending upon state and local codes and regulations. Generally speaking, permits fall into two categories: discretionary and ministerial. A discretionary permit is subject to the evaluation, judgment, and approval or denial by the local planning
What is a Lead Agency?

The primary public agency that is responsible for issuing permits to a project, or for carrying out the project, is called the lead agency. As such, this agency is responsible for determining whether or not a project will significantly impact the environment and, when necessary, for analyzing the project's possible environmental impacts (or contracting for this work to be done under its direction). The planning department is usually the lead agency in local planning matters.

Analyzing Projects

Analyzing a project's potential environmental impacts is a multi-step process. Many minor projects, such as single-family homes, remodeling, and accessory structures are exempt from the CEQA requirements. Exempt projects require no environmental review.

When a project is not exempt, and therefore, subject to review, the lead agency prepares an initial study to assess the potential adverse environmental impacts. If the project will not cause any significant impacts on the environment or if it has been redesigned to eliminate any significant impacts, a negative declaration is written. If
significant environmental impacts are identified, then an Environmental Impact Report (EIR) must be written before the project can be considered by decision makers. Upon approval of a project for which a negative declaration is adopted or an EIR certified, the city or county must also adopt a monitoring program to ensure that the mitigation measures will be completed as required.

Both negative declarations and EIRs are objective, informational documents. They neither approve nor deny a project. Environmental analysis must be done as early as possible in the process of considering a project and must address the entire project. The CEQA Guidelines describes the different types of EIRs that may be prepared.

**Negative Declaration and Mitigated Negative Declaration**

A Negative Declaration (ND) describes why a project will not have any significant impacts on the environment. A Mitigated Negative Declaration (MND) describes a project that has incorporated changes, or mitigation measures, to ensure that there will be no significant impacts resulting from the project. The ND and the MND can be used only when significant impacts are totally eliminated. CEQA requires that NDs and MNDs be made available for review by the public and other agencies prior to approval of the project. The review period (a minimum of 20 days) allows concerned citizens and public agencies to comment on the contents and adequacy of the environmental document prior to its adoption.

**Environmental Impact Report (EIR)**

An EIR discusses the proposed project, its environmental setting, its probable impacts, feasible means of reducing or eliminating those impacts, its cumulative effects in the context of other development, and feasible alternatives to the project. As opposed to NDs and MNDs, an EIR may conclude that there is no feasible way of eliminating all significant impacts, even after consideration of mitigation measures and alternatives to the project. Similar to Negative Declarations, CEQA requires a draft EIR to be made available to the public and public agencies for review. The review period is a minimum of 30 days, and allows citizens and agencies to comment on the document before its certification. The final EIR must incorporate written responses to the comments submitted by reviewers.

**Project Approval**

Before the lead agency approves a project, it must certify the adequacy of the Negative Declaration, Mitigated Negative Declaration, or EIR. If its decision to approve a project will result in unavoidable significant environmental impacts, the lead agency must state, in writing, its overriding reasons for granting the approval. In addition, when mitigation measures are adopted as a result of a Mitigated Negative Declaration or EIR, the lead agency must enact a program for reporting on or monitoring the implementation of those measures.
Figure 2: Simplified CEQA Flow Chart

Note: This chart illustrates the three common paths for project processing under CEQA. Processing times and the level of complexity of Negative Declarations and EIRs are not the same.

The Permit Streamlining Act

State law sets time limits for governmental action on some types of private development projects (see Government Code Sections 65920-65963.1). Failure to act within those time limits can mean automatic approval of a project under certain circumstances. The Permit Streamlining Act (PSA) applies to discretionary projects which are adjudicative in nature. An adjudicative decision applies existing policies and regulations to a particular situation. Use permits, subdivisions, and variances are all such actions subject to the PSA. The PSA does not apply to the adoption or amendment of a general plan or a zoning ordinance.

Generally speaking, the public agency must take action on private development projects within 180 days of the date upon which the project's final EIR is certified. This period is 60 days when a negative declaration is adopted or the project is exempt from CEQA. A project may be automatically approved under the PSA if the agency fails to make a decision within the time limit and the developer takes certain actions to provide public notice.
COMMON PLANNING TERMS

Terms used in this guide are in bold

Accessory Use
An activity or structure that is incidental to the main use of a site.

Building Envelope
The space remaining on a site for structures after all building setback, height limit, and bulk requirements have been met.

Capital Improvement Program
A timetable for the installation of permanent public structures, facilities, roads, and other improvements based upon budget projections.

CEQA
The California Environmental Quality Act (see Public Resources Code section 21000). CEQA requires that private and public projects' potential adverse effects upon the environment be reviewed by decision-makers.

Charter City
A city which has been incorporated under its own charter rather than under the general laws of the state. Charter cities have broader powers than do general law cities.

Cluster Development
Development which is clustered in a portion of a site, leaving the remainder in open-space. The amount of development allowed equals the amount that would have otherwise been allowed on the entire site.

COG
Council of Governments. California's 25 COGs are regional planning agencies concerned primarily with transportation planning and housing; they do not directly regulate land use. Elected officials from each of the cities and counties belonging to the COG make up its governing board.

Community Plan
A portion of the local general plan that focuses on a particular area or community within the city or county. Community plans supplement the contents of the general plan.

Conditional Use Permit (CUP)
A permit authorizing a use not routinely allowed on a particular site, subject to a public hearing. If approval is granted, the developer must meet certain conditions to harmonize the project with its surroundings.

Dedication
A grant of private land to a public agency for public use. Dedications are often used to obtain roads and parkland needed to serve a project.

Density Bonus
An increase in the allowable number of residences granted by the city or county in return for the project's providing low- or moderate-income housing. (see Government Code section 65915)

Design Review Board
A group appointed by the city council to consider the design and aesthetics of development within all or a portion of the community.
Development Agreement
A binding contract between a developer and a city or county establishing the conditions under which a particular development may occur. The local government "freezes" the regulations applicable to the site for an agreed upon period of time. (see Government Code section 65864)

Development Fees
Fees charged as a precondition to construction or development approval. The most common are: (1) impact fees (such as parkland acquisition fees, school facilities fees, or street construction fees) related to funding public improvements necessitated in part or in whole by the development; (2) connection fees (such as water fees) to cover the cost of installing public services to the development; (3) permit fees (such as building permits or grading permits) for the administrative costs of processing development plans; and, (4) application fees (rezoning, variance, etc.) for the administrative costs of reviewing and hearing development proposals.

Downzone
A change of zoning to a more restrictive zone (for example, from multi-family residential to single-family residential).

EIR
Environmental Impact Report. A detailed review of a proposed project, its potential adverse impacts upon the environment, measures that may avoid or reduce those impacts, and alternatives to the project.

Easement
The right to use property owned by another for a specific purpose. Power line easements are a common example.

Eminent Domain
The right of government to take private property for public use upon the payment of just compensation to the owner. This is also called condemnation (condemnation can also mean the closing of an unsafe structure by a public agency to protect the community safety).

Exaction
A fee or dedication required as a condition of development permit approval.

Final Map Subdivision
The final map must be filed before the tentative map expires. Approval of the final map is ministerial if all of the conditions of approval attached to the tentative map have been met.

Findings
The legal "footprints" which an agency must leave to bridge the analytical gap between the raw data considered by the agency and its ultimate decision. They expose its mode of analysis of facts, regulations, and policies.

Floor Area Ratio (FAR)
A measure of development intensity. FAR is the ratio of the floor area of a building to the area of its site. For instance, both a two-story building that covers an entire lot and a four-story building that covers 1/2 of a lot have FARs of 2.

General Law City
A city incorporated under and subject to the general laws of the state.
General Plan
A statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals, for the future physical development of the city or county. (see Government Code section 65300)

"Granny" Housing
An accessory dwelling for one or more elderly persons that is attached to or separate from a main residence. Government Code section 65852.1 allows cities and counties to approve such units in single-family neighborhoods.

Growth Management
A local program limiting the rate of community growth. Growth management strategies vary, but they can include capping the annual number of building permits, relating allowable development intensity to certain levels of infrastructure service or limiting the location of new development.

Impact Fees
See Development Fees.

Infrastructure
A general term for public and quasi-public utilities and facilities such as roads, bridges, sewer plants, water lines, power lines, fire stations, etc.

Initial Study
An analysis of a project's potential environmental effects and their relative significance. An initial study is preliminary to deciding whether to prepare a negative declaration or an EIR.

Initiative
A ballot measure which has qualified for election as a result of voter petition. At the local level, initiatives usually focus on changes or additions to the general plan and zoning ordinance. The initiative power is reserved for the public by the California Constitution.

Inverse Condemnation
The illegal removal of property value through excessive government regulation. Legal advice should be sought before proceeding in cases of potential inverse condemnation.

LAFCO
The Cortese/Knox Act (see Government Code section 56000) establishes a Local Agency Formation Commission in each county. A LAFCO is made up of elected officials from the county, cities, and, in some cases, special districts. It administers the state law governing city incorporation and annexation proposals.

Mitigation Measure
The California Environmental Quality Act requires that when an environmental impact or potential impact will occur, measures must be proposed that will eliminate, avoid, rectify, compensate for or reduce that effect.

Moratorium
A halt to new development or the issuance of permits. Moratoria are often imposed while a new general plan or zoning ordinance is written or when sewer or water facilities are inadequate to serve additional development. (See Government Code section 65858)

Negative Declaration
A negative declaration is written when a project is subject to CEQA, but will not have a significant effect upon the environment. The negative declaration describes why the
project will not have a significant effect and may propose measures that avoid all possible effects.

Nonconforming Use
A land use which does not meet current zoning requirements.

Overlay Zone
A zone which is superimposed upon other zoning. Overlay zones are used in areas which need special protection (as in a historic preservation district) or have special problems (such as steep slopes or flooding). Development of land subject to an overlay must comply with the regulations of both zones.

Parcel Map
A minor subdivision resulting in fewer than 5 lots.

Planned Unit Development (PUD)
Land use zoning which allows the adoption of a set of development standards that are specific to a particular project. PUD zones usually do not contain detailed development standards; those are established during the process of considering proposals and adopted by ordinance upon project approval.

Referendum
A voter challenge to legislative action taken by a city council or county board of supervisors. If enough voters' signatures are filed before the legislative action becomes final, the council or board must either rescind its decision or call an election on the issue. The California Constitution guarantees the public's power of referendum.

School Impact Fees
Fees imposed on new developments to offset their impacts on area schools.

Setback
The minimum distance required by zoning to be maintained between two structures or between a structure and a property line.

Specific Plan
A plan addressing land use distribution, open space availability, infrastructure, and infrastructure financing for a portion of the community. Specific plans put the provisions of the local general plan into action (see Government Code section 65450).

Sphere of Influence
A plan for the "probable physical boundary and service area of a local agency" as approved by the LAFCO. It identifies the area available to a city for future annexation. However, unless another arrangement has been made, the city has no actual authority over land outside its city limits.

Spot Zoning
The zoning of an isolated parcel in a manner which is inconsistent or incompatible with surrounding zoning or land uses, particularly if done to favor a particular landowner. A conditional use permit is not a spot zone.

Strip Development
Commercial and high-density residential development located adjacent to major streets. This type of development is characterized by its shallow depth, street-oriented layout, lack of unified design theme, and numerous points of street access. It impedes smooth traffic flow.
Tentative Subdivision Map or Tentative Map
The map or drawing illustrating a subdivision proposal. The city or county will conditionally approve or deny the proposed subdivision based upon the design depicted on the tentative map.

Tract Map
See final map subdivision.

Transportation Systems Management (TSM)
A program coordinating many forms of transportation (car, bus, carpool, rapid transit, bicycle, etc.) in order to distribute the traffic impacts of new development. Instead of emphasizing road expansion or construction, TSM examines methods of increasing road efficiency.

Variance
A limited waiver from the requirements of the zoning ordinance. Variance requests are subject to public hearing and may only be granted under special circumstances.

Zoning
Local codes regulating the use and development of property. The zoning ordinance divides the city or county into land use districts or "zones", illustrated on zoning maps, and specifies the allowable uses within each such zone. It establishes development standards such as minimum lot size, maximum structure height, building setbacks, and yard size.
SOURCES FOR MORE INFORMATION

The reader is encouraged to refer to the following sources for a better understanding of planning in California.


California Land Use and Planning Law, by Daniel J. Curtin Jr., (Solano Press, Pt. Arena, California), revised annually. *A look at the planning, zoning, subdivision, and environmental quality laws that is illustrated by references to numerous court cases.*

The General Plan Guidelines (Governor's Office of Planning and Research, Sacramento, California). *The Guidelines discuss local planning activities and how to write or revise a general plan. Available online at [http://www.opr.ca.gov/publications/*]


California Statutes
Full text of the following California Statutes may be found on the Official California Legislative Information website: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

**CEQA**
Public Resources Code Sections 21000-21178

**LAFCO Law**
Government Code Sections 56000-57550

**Planning and Zoning Law**
Government Code Sections 65000-66037

- **General Plans**
  Government Code Sections 65300-65404

- **Specific Plans**
  Government Code Sections 65450-65457

- **Zoning**
  Government Code Sections 65800-65863.13

- **Permit Streamlining Act**
  Government Code Sections 65920-65963.1

**Subdivision Map Act**
Government Code Sections 66410-66499.58
**ENTITLEMENT PROCESS II**

**COMPLEX CASES**

- SP Amendments (<500 lots)
- Projects with Community Centers
- Subdivision Tract Maps
- Major SMP’s
- Major CUP/PUP’s
- Change of Zone
- General Plan Amendments

**Based on the timeframes on this chart a typical Entitlement Process 2 case will make it to a public hearing within 35 weeks if there is not an EIR or HANS II negotiation.**

After the Principal Planner assigns the case to a staff planner the staff planner will review the case package to ensure that all required information is present. If all the required information is not present the planner will contact the applicant for the necessary information. It is important that this contact happens quickly to ensure that the applicant can provide the needed information as quickly as possible.

When the case application package is complete the planner then evaluates the project to ascertain whether any special studies are required. The planner shall meet with the applicant to discuss the projects in general and to explain the need for any required special studies and/or site plan revisions.

Once the applicant submits the revisions and/or special studies the case exhibit will be electronically submitted to various agencies for their review and comment. Special Studies will also be forwarded to the appropriate reviewing agency. (Traffic Study to the Transportation Dept. or Geological Study to the County Geologist etc.)

During the EIR preparation process or if no EIR when the planner receives the electronic transmittal comments he/she may schedule an optional meeting with the applicant to review progress of the project which need to be dealt with. As case manager, the planner will be aware of significant issues that other departments may have with the project. At this point the planner sends the project to the Comprehensive Project Review (CPR) Committee meeting. Draft conditions of approval from each of the departments have been prepared and available to be discussed with the applicant. If problems or design issues need to be resolved the CPR is the forum to do this. The project would either clear CPR and be able to be scheduled for public hearing, or it may be delayed for project redesign or other outstanding issues to be resolved. The scope of the changes required will determine whether the project would need to be resubmitted and return for another CPR, or be able to move forward at the planner’s discretion when individual issues have been resolved.

The project is now ready to schedule for public hearing (PC/BOS). It is the project planner’s responsibility to prepare the staff report and insure that all conditions of approval by all departments are in the LMS and routes are cleared. The planner must review the staff report before scheduling the case for public hearing. Cases with insufficient fee balances may not be scheduled for hearing. Additionally, the planner must finalize and publish the environmental documents and put together the necessary PowerPoint presentation.

**ENTITLEMENT PROCESS 2**

**Filling Package**

- Project Planner completes initial review
- Filling Package complete

**Optional applicant staff preliminary review meeting**

- Applicant completes package including engineering exhibits and reports

**Electronic Case Transmittal**

- Project Planner reviews cases and determines need for special studies
- Applicant Driven - Approx. 30-60 days

**Environmental review process started (Initial study prepared)**

- Consultant Driven Approx. 60-90 Days

**To EIR Consultant (if necessary)**

- Project Planner receives comments electronically

**To EIR Consultant (if necessary)**

- Optional staff applicant workshop

**Community workshop (if necessary)**

- Complete the Project Review Meeting (when necessary)

**Consultant revised**

- Conditions drafted
- If no EIR
- Project Redesign

**EIR circulated for public review**

- 45 Days

- EIR adequate
- No
- Yes

**Official public hearing notice must be given at least 10-days prior to the hearing. The notice must give:**

- Time
- Date
- Place of hearing

- Identification of the hearing body

- Location of property which is the subject of the hearing.

If a case must go before the Board of Supervisors a Form 11a EIR must be prepared and submitted to the Executive Office for clearance before the case may go to the Clerk of the Board for scheduling.
CITY OF BANNING
Planning Commission Report

DATE: February 4, 2015

TO: Planning Commission

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: GENERAL PLAN AMENDMENT NO. 14-2501, ZONE CHANGE NO. 14-3501 AND ZONE TEXT AMENDMENT NO. 15-97501 FOR THE EIGHTEEN (18) PROPERTIES LOCATED ON THE SOUTH SIDE OF BARBOUR STREET, BETWEEN HARGRAVE STREET AND JUAREZ STREET

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2015-01 (Attachment 1):

I. Recommending to the City Council the adoption the Initial Study/Negative Declaration (Attachment 2) for the subject project; and

II. Recommending to the City Council the adoption General Plan Amendment No. 14-2501, Zone Change No. 14-3501, and Zone Text Amendment No. 15-97501.

APPLICANT INFORMATION:

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

BACKGROUND:

Upon the adoption of the City’s General Plan on January 31, 2006, the subject eighteen (18) properties listed below (please see tables under “Discussion/Analysis” Section) were given a General Plan land use designation and Zoning classification of Industrial (I). As a result of this action, the existing single family residences became legal non-conforming. Since that time, this legal non-conforming status has created challenges for the property owners, including difficulty refinancing their existing home loans, difficulty qualifying for home improvement loans to make improvements to their residences and properties, difficulty purchasing homeowner’s insurance, and difficulty selling their existing single family residences under the current zoning designation.
Additionally, future expansions (additions) to the existing single family residences are limited to a maximum of fifty (50%) percent of the existing square footage of the single family residence, subject to the approval of a Conditional Use Permit by the Planning Commission, pursuant to Section 17.88.030F of the Zoning Ordinance.


Subsequently, due to the proximity of the subject properties being within the project “influence” area of the Banning Municipal Airport and pursuant to the direction given by the City Council, on June 10, 2014, the Community Development Department filed a Major Land Use Review application with the Riverside County Airport Land Use Commission (ALUC) for their land use consistency review. Accordingly, on December 11, 2014, the ALUC approved the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, subject to the condition that additional dwelling units, beyond the eighteen (18) dwelling units that are currently permitted, will not be added. To comply with this request by the ALUC, an 80,000 square foot minimum lot size overlay zone has been added by City staff for the nine (9) properties on the south side of Barbour Street, between Hargrave Street and Juarez Street, being recommended as Very Low Density Residential (VLDR). This specific 80,000 square foot minimum lot size will be implemented and regulated through proposed Zone Text Amendment No. 15-97501.

**DISCUSSION/ANALYSIS:**

The proposal is to change the General Plan land use designations and Zoning classifications for the subject eighteen (18) properties from Industrial to Low Density Residential (LDR)(9 properties) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size)(9 properties) that will bring these properties and their existing land uses as single-family residences into conformance with the City’s General Plan and Zoning Ordinance. The Zone Text Amendment involves the change to Table 17.08.030 (Residential Development Standards) of the City’s Zoning Ordinance to reflect the 80,000 square foot minimum lot size for the nine (9) properties within the proposed Very Low Density Residential (VLDR) Zone.
**Proposed LDR Zone:** The following table provides summary of the nine (9) properties within the proposed Low Density Residential (LDR) Zone.

<table>
<thead>
<tr>
<th>APN</th>
<th>ADDRESS</th>
<th>RECORDED LOT SIZE</th>
<th>DIVISIBLE</th>
<th>EXISTING USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>541-320-001</td>
<td>620 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-002</td>
<td>640 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-003</td>
<td>660 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence and Accessory Structure</td>
</tr>
<tr>
<td>541-320-004</td>
<td>680 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-005</td>
<td>700 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-006</td>
<td>720 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-007</td>
<td>740 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-008</td>
<td>760 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-009</td>
<td>780 Hargrave Street</td>
<td>0.16 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>1.44 Acres</strong></td>
</tr>
</tbody>
</table>

**LDR Development Standards:** The following table provides a summary of the applicable development standards for the nine (9) properties within the Low Density Residential (LDR) Zone.

<table>
<thead>
<tr>
<th>Maximum Density (Units/Ac.)</th>
<th>0-5 DU/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size/Single Family Lot</td>
<td>7,000 Square Feet or suffix^5</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>70 Feet</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>90 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Minimum Street Side Yard Setback</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>40 Percent</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2 Stories/35 Feet</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 Feet</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td></td>
</tr>
<tr>
<td>One-Story Home</td>
<td>35 Percent</td>
</tr>
<tr>
<td>Multi-Story Home</td>
<td>60 Percent</td>
</tr>
</tbody>
</table>

The nine (9) properties within the proposed Low Density Residential (LDR) Zone are currently developed in compliance with the development standards for the City’s Low Density Residential (LDR) Zone.
**Proposed VLDR Zone:** The following table provides summary of the nine (9) properties within the proposed Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) Zone.

<table>
<thead>
<tr>
<th>APN</th>
<th>ADDRESS</th>
<th>RECORDED LOT SIZE</th>
<th>DIVISIBLE</th>
<th>EXISTING USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>541-320-010</td>
<td>None Assigned</td>
<td>2.75 acres</td>
<td>No</td>
<td>Vacant</td>
</tr>
<tr>
<td>541-320-011</td>
<td>None Assigned</td>
<td>2.40 acres</td>
<td>No</td>
<td>Vacant</td>
</tr>
<tr>
<td>541-320-012</td>
<td>None Assigned</td>
<td>2.40 acres</td>
<td>No</td>
<td>Vacant</td>
</tr>
<tr>
<td>541-320-013</td>
<td>1060 Barbour Street</td>
<td>1.88 acres</td>
<td>No</td>
<td>Single Family Residence and Accessory Structure</td>
</tr>
<tr>
<td>541-320-014</td>
<td>1070 Barbour Street</td>
<td>2.88 acres</td>
<td>No</td>
<td>Single Family Residence and Accessory Structure</td>
</tr>
<tr>
<td>541-320-015</td>
<td>1116 Barbour Street</td>
<td>1.93 acres</td>
<td>No</td>
<td>Single Family Residence and Accessory Structure</td>
</tr>
<tr>
<td>541-320-018</td>
<td>1144 Barbour Street</td>
<td>1.93 acres</td>
<td>No</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>541-320-019</td>
<td>1164 Barbour Street</td>
<td>0.50 acres</td>
<td>No</td>
<td>Single Family Residence and Accessory Structure</td>
</tr>
<tr>
<td>541-320-020</td>
<td>1190 Barbour Street</td>
<td>0.50 acres</td>
<td>No</td>
<td>Single Family Residence and Accessory Structure</td>
</tr>
</tbody>
</table>

17.17 Acres

**VLDR Development Standards:** The following table provides a summary of the applicable development standards for the nine (9) properties within the Very Low Density Residential (VLDR) (80,000 square foot minimum lot size) Zone.

<table>
<thead>
<tr>
<th>Maximum Density (Units/Ac.)</th>
<th>0-2 DU/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size/Single Family Lot</td>
<td>20,000 Square Feet or suffix&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>35 Feet</td>
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<tr>
<td>Minimum Side Yard Setback</td>
<td>15 Feet</td>
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<tr>
<td>Minimum Street Side Yard Setback</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>25 Percent</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2 Stories/35 Feet</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 Feet</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td></td>
</tr>
<tr>
<td>One-Story Home</td>
<td>25 Percent</td>
</tr>
<tr>
<td>Multi-Story Home</td>
<td>40 Percent</td>
</tr>
</tbody>
</table>

<sup>5</sup> In the LDR and VLDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.”
Table 17.08.030 (Residential Development Standards) of the City’s Zoning Ordinance currently requires a 20,000 square foot minimum lot size per single family residence within the Very Low Density Residential (VLDR) Zone. Through proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, the General Plan land use designation and Zoning classification of the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, will be changed from Industrial (I) to Very Low Density Residential (VLDR) with an “80,000 square foot minimum lot size” overlay. Therefore, through Zone Text Amendment No. 15-97501, Table 17.08.030 will be amended to include “suffix 5” for the minimum lot size per single family residence within the Very Low Density Residential (VLDR) Zone; and, “suffix 5” of Table 17.08.030 will be amended to read, as follows: “5 In the LDR and VLDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.” The next text is shown Bold and Underlined.

The nine (9) properties within the proposed Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) Zone are currently developed in compliance with the development standards for the City’s Very Low Density Residential (VLDR) Zone.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 are considered a “project.” CEQA defines a “project” as an activity that may have a potential for resulting in either a direct or indirect significant effects on the environment. General plan amendments, zone changes and zone text amendments are defined as “projects” because they typically involve the adoption of land use policies that involves the potential future land use and/or development of properties. Therefore, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 is a “project” due to the fact that the proposal involves the change of the General Plan land use designations, Zoning classifications and Zoning regulations for the subject eighteen (18) properties from Industrial (I) to Low Density Residential (LDR) (9 properties) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) (9 properties) which in turn changes the manner in which the subject eighteen (18) properties may be used and developed.

The findings of the Initial Study/Negative Declaration are that General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 could not have a significant effect on the environment. In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for the mandatory 20-day public review period commencing on January 16, 2015.
Multiple Species Habitat Conservation Plan (MSHCP)
General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 do not relate to any one physical development 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.

Senate Bill (SB) 18 – Tribal Consultation
Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

REQUIRED FINDINGS OF APPROVAL FOR GENERAL PLAN AMENDMENT NO. 14-2501 AND ZONE CHANGE NO. 14-3501:

The California Government Code and Section 17.64.070 of the City of Banning Zoning Ordinance require that General Plan Amendments and Zone Changes meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The following findings are provided in support of the approval of the General Plan Amendment No. 14-2501 and Zone Change No. 14-3501.

Finding No. 1: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 are internally consistent with the General Plan.

Findings of Fact: The City of Banning General Plan Land Use and Zoning Overlay Map depicts the subject eighteen (18) properties within the Industrial (I) designation/classification. The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will amend the General Plan land use designations and Zoning classifications of the nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, from Industrial (I) to Low Density Residential (LRD) and the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size).
The proposed Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) General Plan land use designations and Zoning classifications will eliminate the current legal non-conforming restrictions from the existing eighteen (18) properties. Thereby, allowing for future home improvements and/or the future development of new single-family residences and other uses that are allowable and compatible with single-family residences, and consistent with the City’s standards for properties within the Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) zones.

All nine (9) of the properties located on the east side of Hargrave Street, south of Barbour Street, are currently developed with single-family residences (1 has an accessory structure). Of the nine (9) properties located on the south side of Barbour Street, between Hargrave Street and Juarez Street, six (6) properties are currently developed with single-family residences (5 have accessory structures) and the remaining three (3) properties are vacant.

The subject properties under proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, have been reviewed against the development standards for Low Density Residential and Very Low Density Residential land use and existing development within the City of Banning Zoning Ordinance for internal consistency within all of the General Plan element’s text, diagrams, and maps and it has been determined that the proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, 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 City’s General Plan. Therefore, proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will make the current single family residential land uses, as well as the accessory structures, on the subject properties consistent with City’s General Plan and Zoning Ordinance.

**Finding No. 2:**

The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

**Findings of Fact:**

The General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, provides conformity between the existing single-family residences that have been previously developed on the subject properties and the proposed General Plan land use designations and Zoning classifications. Furthermore, an Initial Study/Negative
Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 16, 2015.

With regard to the compatibility with the existing surrounding land uses and neighborhoods, the proposed General Plan land use designations and Zoning classifications for the subject eighteen (18) properties will make the existing and future development of the eighteen (18) properties consistent and compatible with the existing surrounding land uses and neighborhoods to the westerly and southerly areas of the subject properties in that the General Plan land use designations and Zoning classifications for these adjacent areas is Low Density Residential.

Additionally, due to the proximity of the subject properties being within the project “influence” area of the Banning Municipal Airport, a Major Land Use Review application was filed by the City of Banning with the Riverside County Airport Land Use Commission (ALUC) for their land use consistency review. Accordingly, on December 11, 2014, the ALUC approved the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, subject to the condition that additional dwelling units, beyond the eighteen (18) dwelling units that are currently permitted, will not be added. To comply with this requirement by the ALUC, an 80,000 square foot minimum lot size overlay zone has been added for the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) on the south side of Barbour Street, between Hargrave Street and Juarez Street, being recommended as Very Low Density Residential (VLDR). Therefore, proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
Finding No. 3: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 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 of Banning presently has 420.8 acres of land area that are zoned Industrial. The eighteen (18) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Low Density Residential (LDR)(1.44 acres) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size)(17.17 acres) contain a total of 18.62 acres. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, would reduce the amount of Industrial properties by 18.62 acres (or 4.4%) from 420.8 acres to 402.18 acres.

The proposed 4.4% reduction of land area currently designated for the Industrial (I) Zone is relatively an extremely minor reduction given the fact that there does not exist any actual industrial use or development within any of the subject eighteen (18) properties. Forty (40) percent (or 7.55 acres) of the 18.62 acres that are zoned for Industrial is already developed with single-family residences. This means that any potential industrial development will only 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 still available (402.18 acres) for industrial development and the City is still maintaining an appropriate balance of land use within the City.

The General Plan Build-Out Summary, Table III-1, on page III-10, shows that the City of Banning presently has 3,446.6 acres of land area that are currently zoned Low Density Residential (LDR). The nine (9) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Low Density Residential (LDR) contain a total of 1.44 acres. The proposed General Plan Amendment and Zone Change would increase the amount of Low Density Residential properties by 1.44 acres (or 0.0004%) from 3,446.6 acres to 3,448.04 acres.

The General Plan Build-Out Summary, Table III-1, on page III-10, shows that the City of Banning presently has 2,367.3 acres of land area that are currently zoned Very Low Density Residential (VLDR). The nine (9) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) contain a total of 17.17 acres. The proposed General Plan Amendment and Zone Change,
along with the proposed Zone Text Amendment, would only increase the amount of Very Low Density Residential properties by 17.17 acres (or 0.0072%) from 2,367.3 acres to 2,384.47 acres.

**Finding No. 4:** With regard to the General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 to the General Plan Land Use, the subject properties are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

**Findings of Fact:** Fifteen (15) of the eighteen (18) properties are currently developed with single-family residences. Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will bring the existing single family residential development on the properties in conformance with the City’s General Plan and Zoning. Additionally, the physical characteristics of the surrounding area in terms of topography and existing infrastructure improvements (i.e., streets, water, sewer, etc.) are adequate and suitable for single family residential development. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, will also bring the eighteen (18) properties into compatibility and consistency with the General Plan and Zoning designations with the existing residential neighborhoods to the west and south of the subject properties. Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) land use designations and zoning classifications, as well as with the anticipated residential land uses and developments.

**REQUIRED FINDINGS OF APPROVAL FOR ZONE TEXT AMENDMENT NO. 15-97501:**

The California Government Code and Section 17.116.050 of the City of Banning Zoning Ordinance require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 15-97501.

**Finding No. 1:** The proposed Zone Text Amendment No. 15-97501 is consistent with the goals and policies of the General Plan.

**Findings of Fact:** Proposed Zone Text Amendment No. 15-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning classifications of the subject properties will be changed, through proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, to reflect the existing single family residences in order to remove their non-conforming status, and the text amendment will result in clarifying the goals, policies and programs of the General Plan.
Plan with respect to future development regulations for such single family residences. The primary General Plan Land Use Element Goal is “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.” By amending the Zoning Ordinance specifically to establish an 80,000 square foot minimum lot size for the proposed Very Low Density Residential (VLDR) Zone will allow for improvements to the existing non-conforming residential properties consistent with the surrounding single family residential character that will ultimately enhance the quality of life for Banning residents who may desire to improve their respective existing residential properties.

Finding No. 2: The proposed Zone Text Amendment No. 15-97501 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, is consistent with the existing provisions of Section 17.80.020 (Permitted, Conditional and Prohibited Uses) and Section 17.08.030 (General Standards) of the Zoning Ordinance. The proposed amendment will amend the existing Zoning Ordinance pertaining to single family residential development within the proposed Very Low Density Residential (VLDR) Zone and the establishment of an 80,000 square foot minimum lot size maintains the development standards established by the Zoning Ordinance for single family residential uses. Additionally, staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

Finding No. 3: That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: An Initial Study/Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 16, 2015. Therefore, proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3503, 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
PUBLIC COMMUNICATION

The proposed General Plan Amendment, Zone Change and Zone Text Amendment was advertised in the Record Gazette newspaper on January 16, 2015. Additionally, a Notice of Public Hearing and Notice of Intent to Adopt an Initial Study/Negative Declaration was transmitted to the Riverside County Clerk-Recorder for posting on January 16, 2015 to commence the required 20-day public review period, pursuant to the requirements of the California Environmental Quality Act. 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 eighteen (18) properties that are subject to the proposed General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501, and also mailed to the surrounding property owners that are located within a 300’ radius of the subject properties under this proposal.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution No. 2015-01:

1. Recommending to the City Council the adoption of the Initial Study/Negative Declaration for General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501;

2. Recommending to the City Council the adoption of General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 to change the General Plan land use designations and Zoning classifications of nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, from Industrial (I) to Low Density Residential (LRD) and nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size); and
Prepared By: Oliver Mujica
Contract Planner

Reviewed By: Brian Guillot
Acting Community Development Director

Attachments:

1. Resolution No. 2015-01
2. Draft Ordinance No. 1484
3. Initial Study/Negative Declaration
4. Aerial Map depicting the eighteen (18) properties
5. Existing Zoning
6. Proposed Zoning
7. Public Hearing Notice
8. Mailing Labels
ATTACHMENT 1
PC Resolution No. 2015-01
RESOLUTION NO. 2015-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF INITIAL STUDY/NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT NO. 14-2501, ZONE CHANGE NO. 14-3501 AND ZONE TEXT AMENDMENT NO. 15-97501 RELATING TO GENERAL PLAN LAND USE AND ZONE CHANGE FOR EIGHTEEN (18) PROPERTIES THAT ARE LOCATED ON THE SOUTH SIDE OF BARBOUR STREET, BETWEEN HARGRAVE STREET AND JUAREZ STREET

WHEREAS, eighteen (18) properties that are located on the south side of Barbour Street, between Hargrave Street and Juarez Street, were re-zoned from residential to industrial when the current General Plan and Zoning Code were adopted on January 31, 2006; and

WHEREAS, as a result of the adoption of the current General Plan and Zoning Code, the existing single family residences became legal non-conforming. Since that time, this legal non-conforming status has created challenges for the property owners, including difficulty refinancing their existing home loans, difficulty qualifying for home improvement loans to make improvements to their residences and properties, difficulty purchasing homeowner’s insurance, and difficulty selling their existing single family residences under the current zoning designation. Additionally, future expansions (additions) to the existing single family residences are limited to a maximum of fifty (50%) percent of the existing square footage of the single family residence, subject to the approval of a Conditional Use Permit by the Planning Commission, pursuant to Section 17.88.030F of the Zoning Ordinance; and

WHEREAS, on June 10, 2014, the City Council adopted Resolution No. 2014-32 initiating a General Plan Amendment No. 14-2501 and a Zone Change No. 14-3501 for Assessor’s Parcel Numbers 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009 to change their respective current zoning designation from Industrial (I) to Low Density Residential (LDR) and for Assessor’s Parcel Numbers 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020 to change their respective current zoning designation from Industrial (I) to Very Low Density Residential (VLDR); 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 commencing January 16, 2015; and
WHEREAS, on January 16, 2015, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Initial Study/Negative Declaration, General Plan Amendment No. 14-2501, Zone Change No.14-3501 and Zone Text Amendment No. 15-97501. Additionally, a Notice of Public Hearing and Notice of Intent to Adopt an Initial Study/Negative Declaration was transmitted to the Riverside County Clerk-Recorder for posting on January 16, 2015 to commence the required 20-day public review period, pursuant to the requirements of the California Environmental Quality Act. The City also mailed public hearing notices to the owners of properties that are directly affected by the General Plan Amendment, Zone Change and Zone Text Amendment and to the property owners that are located within a 300’ radius of the project boundaries; and

WHEREAS, on February 4, 2015, 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 Initial Study/Negative Declaration, General Plan Amendment No. 14-2501, Zone Change No.14-3501 and Zone Text Amendment No. 15-97501.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The following environmental findings are made and supported by substantial evidence on the record before the Commission, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 are considered a “project.” CEQA defines a “project” as an activity that may have a potential for resulting in either a direct or indirect significant effects on the environment. General plan amendments, zone changes and zone text amendments are defined as “projects” because they typically involve the adoption of land use policies that involves the potential future land use and/or development of properties. Therefore, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 is a “project” due to the fact that the proposal involves the change of the General Plan land use designations and Zoning classifications and Zoning regulations for the subject eighteen (18) properties from Industrial (I) to Low Density Residential (LDR) (9 properties) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) (9 properties) which in turn changes the manner in which the subject eighteen (18) properties may be used and developed.

The findings of the Initial Study/Negative Declaration are that General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 could not have a significant effect on the environment. In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for the mandatory 20-day public review period commencing on January 16, 2015.
Multiple Species Habitat Conservation Plan (MSHCP)
General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 do not relate to any one physical development 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.

Senate Bill (SB) 18 – Tribal Consultation
Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

SECTION 2. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 14-2501 AND ZONE CHANGE NO. 14-3501.

The California Government Code and Section 17.64.070 of the City of Banning Zoning Ordinance require that General Plan Amendments and Zone Changes meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the General Plan Amendment No. 14-2501 and Zone Change No. 14-3501:

Finding No. 1: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 are internally consistent with the General Plan.

Findings of Fact: The City of Banning General Plan Land Use and Zoning Overlay Map depicts the subject eighteen (18) properties within the Industrial (I) designation/classification. The proposed General Plan Amendment and Zone Change will amend the General Plan land use designations and Zoning classifications of the nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, from Industrial (I) to Low Density Residential (LRD) and the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size).
The proposed Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) land use designations and zoning classifications will eliminate the current legal non-conforming restrictions from the existing eighteen (18) properties. Thereby, allowing for future home improvements and/or the future development of new single-family residences and other uses that are allowable and compatible with single-family residences, and consistent with the City’s standards for properties within the Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) zones.

All nine (9) of the properties located on the east side of Hargrave Street, south of Barbour Street, are currently developed with single-family residences (1 has an accessory structure). Of the nine (9) properties located on the south side of Barbour Street, between Hargrave Street and Juarez Street, six (6) properties are currently developed with single-family residences (5 have accessory structures) and the remaining three (3) properties are vacant.

The subject properties under proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15097501, have been reviewed against the development standards for Low Density Residential and Very Low Density Residential land use and existing development within the City of Banning Zoning Ordinance for internal consistency within all of the General Plan element’s text, diagrams, and maps and it has been determined that the proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, 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 City’s General Plan. Therefore, proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will make the current single family residential land uses, as well as the accessory structures, on the subject properties consistent with City’s General Plan and Zoning Ordinance.

Finding No. 2: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Findings of Fact: The General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, provides conformity between the existing single-family residences that have been previously developed on the subject properties and the proposed General Plan land use designations.
and Zoning classifications. Furthermore, an Initial Study/Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 16, 2015.

With regard to the compatibility with the existing surrounding land uses and neighborhoods, the proposed General Plan land use designations and Zoning classifications for the subject eighteen (18) properties will make the existing and future development of the eighteen (18) properties consistent and compatible with the existing surrounding land uses and neighborhoods to the westerly and southerly areas of the subject properties in that the General Plan land use designations and Zoning classifications for these adjacent areas is Low Density Residential.

Additionally, due to the proximity of the subject properties being within project “influence” area of the Banning Municipal Airport, a Major Land Use Review application was filed by the City of Banning with the Riverside County Airport Land Use Commission (ALUC) for their land use consistency review. Accordingly, on December 11, 2014, the ALUC approved the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, subject to the condition that additional dwelling units, beyond the eighteen (18) dwelling units that are currently permitted, will not be added. To comply with this requirement by the ALUC, an 80,000 square foot minimum lot size overlay zone has been added for the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) on the south side of Barbour Street, between Hargrave Street and Juarez Street, being recommended as Very Low Density Residential (VLDR).

Therefore, proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
Finding No. 3: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 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 of Banning presently has 420.8 acres of land area that are zoned Industrial. The eighteen (18) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Low Density Residential (LDR)(1.44 acres) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size)(17.17 acres) contain a total of 18.62 acres. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, would reduce the amount of Industrial properties by 18.62 acres (or 4.4%) from 420.8 acres to 402.18 acres.

The proposed 4.4% reduction of land area currently designated for the Industrial (I) Zone is relatively an extremely minor reduction given the fact that there does not exist any actual industrial use or development within any of the subject eighteen (18) properties. Forty (40) percent (or 7.55 acres) of the 18.62 acres that are zoned for Industrial is already developed with single-family residences. This means that any potential industrial development will only 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 still available (402.18 acres) for industrial development and the City is still maintaining an appropriate balance of land use within the City.

The General Plan Build-Out Summary, Table III-1, on page III-10, shows that the City of Banning presently has 3,446.6 acres of land area that are currently zoned Low Density Residential (LDR). The nine (9) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Low Density Residential (LDR) contain a total of 1.44 acres. The proposed General Plan Amendment and Zone Change would increase the amount of Low Density Residential properties by 1.44 acres (or 0.0004%) from 3,446.6 acres to 3,448.04 acres.

The General Plan Build-Out Summary, Table III-1, on page III-10, shows that the City of Banning presently has 2,367.3 acres of land area that are currently zoned Very Low Density Residential (VLDR). The nine (9) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) contain a total
of 17.17 acres. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, would increase the amount of Very Low Density Residential properties by 17.17 acres (or 0.0072%) from 2,367.3 acres to 2,384.47 acres.

**Finding No. 4:** With regard to the General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 to the General Plan Land Use, the subject properties are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

**Findings of Fact:** Fifteen (15) of the eighteen (18) properties are currently developed with single-family residences. Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will bring the existing single family residential development on the properties in conformance with the City’s General Plan and Zoning. Additionally, the physical characteristics of the surrounding area in terms of topography and existing infrastructure improvements (i.e., streets, water, sewer, etc.) are adequate and suitable for single family residential development. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, will also bring the eighteen (18) properties into compatibility and consistency with the General Plan and Zoning designations with the existing residential neighborhoods to the west and south of the subject properties. Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Low Density Residential (LDR) and Very Low Density Residential (VLDR) (80,000 square foot minimum lot size) land use designations and zoning classifications, as well as with the anticipated residential land uses and developments.

**SECTION 3. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 15-97501.**

The California Government Code and Section 17.116.050 of the City of Banning Zoning Ordinance require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment No. 15-97501:

**Finding No. 1:** The proposed Zone Text Amendment No. 15-97501 is consistent with the goals and policies of the General Plan.

**Findings of Fact:** Proposed Zone Text Amendment No. 15-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning classifications of the subject properties will be
changed, through proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, to reflect the existing single family residences in order to remove their non-conforming status, and the text amendment will result in clarifying the goals, policies and programs of the General Plan with respect to future development regulations for such single family residences. The primary General Plan Land Use Element Goal is “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.” By amending the Zoning Ordinance specifically to establish an 80,000 square foot minimum lot size for the proposed Very Low Density Residential (VLDR) Zone will allow for improvements to the existing non-conforming residential properties consistent with the surrounding single family residential character that will ultimately enhance the quality of life for Banning residents who may desire to improve their respective existing residential properties.

**Finding No. 2:** The proposed Zone Text Amendment No. 15-97501 is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, is consistent with the existing provisions of Section 17.80.020 (Permitted, Conditional and Prohibited Uses) and Section 17.08.030 (General Standards) of the Zoning Ordinance. The proposed amendment will amend the existing Zoning Ordinance pertaining to single family residential development within the proposed Very Low Density Residential (VLDR) Zone and the establishment of an 80,000 square foot minimum lot size maintains the development standards established by the Zoning Ordinance for single family residential uses. Additionally, staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

**Findings No. 3:** That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** An Initial Study/Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 16, 2015. Therefore, proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3503, 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

SECTION 4. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adoption of Planning Commission Resolution No. 2015-01:

1. Recommending to the City Council the adoption of the Initial Study/Negative Declaration (Attachment 2) for General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501;

2. Recommending to the City Council the adoption of General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 to change the General Plan land use designations and Zoning classifications of nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, from Industrial (I) to Low Density Residential (LRD) and nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size); and
PASSED, APPROVED AND ADOPTED this 4th day of February 2015.

_________________________________
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:

__________________________
Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of February 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft Ordinance No. 1484
ORDINANCE NO. 1484


WHEREAS, the eighteen (18) subject properties that are located on the south side of Barbour Street, between Hargrave Street and Juarez Street, were re-zoned from Low Density Residential (LDR) to Industrial (I) when the current General Plan and Zoning Code were adopted on January 31, 2006; and

WHEREAS, as a result of the adoption of the current General Plan and Zoning Code, the existing single family residences became legal non-conforming. Since that time, this legal non-conforming status has created challenges for the property owners, including difficulty refinancing their existing home loans, difficulty qualifying for home improvement loans to make improvements to their residences and properties, difficulty purchasing homeowner’s insurance, and difficulty selling their existing single family residences under the current zoning designation. Additionally, future expansions (additions) to the existing single family residences are limited to a maximum of fifty (50%) percent of the existing square footage of the single family residence, subject to the approval of a Conditional Use Permit by the Planning Commission, pursuant to Section 17.88.030F of the Zoning Ordinance; and

WHEREAS, on June 10, 2014, the City Council adopted Resolution No. 2014-32 initiating a General Plan Amendment No. 14-2501 and a Zone Change No. 14-3501 for Assessor’s Parcel Numbers 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009 to change their respective current zoning designation from Industrial (I) to Low Density Residential (LDR) and for Assessor’s Parcel Numbers 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020 to change their respective current zoning designation from Industrial (I) to Very Low Density Residential (VLDR); and

WHEREAS, on December 11, 2014, the Riverside County Airport Land Use Commission (ALUC) approved the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, subject to the condition that additional dwelling units, beyond the eighteen (18) dwelling units that are currently permitted, will not be added. To comply with this request by the ALUC, an 80,000 square foot minimum lot size overlay zone has been added for the nine (9) subject properties on the south side of Barbour Street, between Hargrave Street and Juarez Street, thereby necessitating the requirement of this Zone Text Amendment; and
WHEREAS, the City Council has authority per Chapter 17.64 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the General Plan; and

WHEREAS, the City Council has authority per Chapter 17.116 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, on __________, 2015, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2015-01 recommending to the City Council the adoption of the Initial Study/Negative Declaration, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501; and

WHEREAS, on the ___ day of __________, 2015, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Initial Study/Negative Declaration, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 would be considered; and

WHEREAS, on the ___ day of __________, 2015, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the amendments, and at which time the City Council considered the Initial Study/Negative Declaration, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501; and

WHEREAS, at this public hearing on the ___ day of __________, 2015, the City Council considered and heard public comments on the Initial Study/Negative Declaration, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ___ day of __________, 2015;

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The following environmental findings are made and supported by substantial evidence on the record before the City Council, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 are considered a “project.” CEQA defines a “project” as an activity that may have a potential for resulting in either a direct or indirect significant effects on the
environment. General plan amendments, zone changes and zone text amendments are defined as “projects” because they typically involve the adoption of land use policies that involves the potential future land use and/or development of properties. Therefore, General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 is a “project” due to the fact that the proposal involves the change of the General Plan land use designations and Zoning classifications and Zoning regulations for the subject eighteen (18) properties from Industrial (I) to Low Density Residential (LDR) (9 properties) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) (9 properties) which in turn changes the manner in which the subject eighteen (18) properties may be used and developed.

The findings of the Initial Study/Negative Declaration are that General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 could not have a significant effect on the environment. In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for the mandatory 20-day public review period commencing on January 16, 2015.

Multiple Species Habitat Conservation Plan (MSHCP)
General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 do not relate to any one physical development 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.

Senate Bill (SB) 18 – Tribal Consultation
Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Dessert Cahuilla Indians.

SECTION 2. FINDINGS FOR GENERAL PLAN AMENDMENT NO. 14-2501 AND ZONE CHANGE NO. 14-3501:

The California Government Code and Section 17.64.070 of the City of Banning Zoning Ordinance require that General Plan Amendments and Zone Changes meet certain findings prior to the approval by the City Council. The City Council hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the for approval of the General Plan Amendment No. 14-2501 and Zone Change No. 14-3501:
Finding No. 1: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 are internally consistent with the General Plan.

Findings of Fact: The City of Banning General Plan Land Use and Zoning Overlay Map depicts the subject eighteen (18) properties within the Industrial (I) designation/classification. The proposed General Plan Amendment and Zone Change will amend the General Plan land use designations and Zoning classifications of the nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, from Industrial (I) to Low Density Residential (LRD) and the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size).

The proposed Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) land use designations and zoning classifications will eliminate the current legal non-conforming restrictions from the existing eighteen (18) properties. Thereby, allowing for future home improvements and/or the future development of new single-family residences and other uses that are allowable and compatible with single-family residences, and consistent with the City’s standards for properties within the Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) zones.

All nine (9) of the properties located on the east side of Hargrave Street, south of Barbour Street, are currently developed with single-family residences (1 has an accessory structure). Of the nine (9) properties located on the south side of Barbour Street, between Hargrave Street and Juarez Street, six (6) properties are currently developed with single-family residences (5 have accessory structures) and the remaining three (3) properties are vacant.

The subject properties under proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15097501, have been reviewed against the development standards for Low Density Residential and Very Low Density Residential land use and existing development within the City of Banning Zoning Ordinance for internal consistency within all of the General Plan element’s text, diagrams, and maps and it has been determined that the proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, 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 City’s General Plan. Therefore, proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will make the current single family residential land uses, as well as the accessory structures, on the subject properties consistent with City’s General Plan and Zoning Ordinance.

Finding No. 2: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Findings of Fact: The General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, provides conformity between the existing single-family residences that have been previously developed on the subject properties and the proposed General Plan land use designations and Zoning classifications. Furthermore, an Initial Study/Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 16, 2015.

With regard to the compatibility with the existing surrounding land uses and neighborhoods, the proposed General Plan land use designations and Zoning classifications for the subject eighteen (18) properties will make the existing and future development of the eighteen (18) properties consistent and compatible with the existing surrounding land uses and neighborhoods to the westerly and southerly areas of the subject properties in that the General Plan land use designations and Zoning classifications for these adjacent areas is Low Density Residential.

Additionally, due to the proximity of the subject properties being within project “influence” area of the Banning Municipal Airport, a Major Land Use Review application was filed by the City of Banning with the Riverside County Airport Land Use Commission (ALUC) for their land use consistency review. Accordingly, on December 11, 2014, the ALUC approved the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, subject to the condition that additional dwelling units, beyond the eighteen (18) dwelling units that are currently permitted, will not be added. To comply with this requirement by the ALUC, an 80,000 square foot minimum lot size
overlay zone has been added for the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 541-320-019 and 541-320-020) on the south side of Barbour Street, between Hargrave Street and Juarez Street, being recommended as Very Low Density Residential (VLDR).

Therefore, proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

Finding No. 3: The proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 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 of Banning presently has 420.8 acres of land area that are zoned Industrial. The eighteen (18) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Low Density Residential (LDR)(1.44 acres) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size)(17.17 acres) contain a total of 18.62 acres. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, would reduce the amount of Industrial properties by 18.62 acres (or 4.4%) from 420.8 acres to 402.18 acres.

The proposed 4.4% reduction of land area currently designated for the Industrial (I) Zone is relatively an extremely minor reduction given the fact that there does not exist any actual industrial use or development within any of the subject eighteen (18) properties. Forty (40) percent (or 7.55 acres) of the 18.62 acres that are zoned for Industrial is already developed with single-family residences. This means that any potential industrial development will only 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 still available (402.18 acres) for industrial development and the City is still maintaining an appropriate balance of land use within the City.

The General Plan Build-Out Summary, Table III-1, on page III-10, shows that the City of Banning presently has 3,446.6 acres of land area that are currently zoned Low Density Residential (LDR). The nine (9) properties that are proposed to be changed by General Plan Amendment No. 14-2501
and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Low Density Residential (LDR) contain a total of 1.44 acres. The proposed General Plan Amendment and Zone Change would increase the amount of Low Density Residential properties by 1.44 acres (or 0.0004%) from 3,446.6 acres to 3,448.04 acres.

The General Plan Build-Out Summary, Table III-1, on page III-10, shows that the City of Banning presently has 2,367.3 acres of land area that are currently zoned Very Low Density Residential (VLDR). The nine (9) properties that are proposed to be changed by General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) contain a total of 17.17 acres. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, would increase the amount of Very Low Density Residential properties by 17.17 acres (or 0.0072%) from 2,367.3 acres to 2,384.47 acres.

Finding No. 4: With regard to the General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 to the General Plan Land Use, the subject properties are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: Fifteen (15) of the eighteen (18) properties are currently developed with single-family residences. Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, along with proposed Zone Text Amendment No. 15-97501, will bring the existing single family residential development on the properties in conformance with the City’s General Plan and Zoning. Additionally, the physical characteristics of the surrounding area in terms of topography and existing infrastructure improvements (i.e., streets, water, sewer, etc.) are adequate and suitable for single family residential development. The proposed General Plan Amendment and Zone Change, along with the proposed Zone Text Amendment, will also bring the eighteen (18) properties into compatibility and consistency with the General Plan and Zoning designations with the existing residential neighborhoods to the west and south of the subject properties. Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Low Density Residential (LDR) and Very Low Density Residential (VLDR)(80,000 square foot minimum lot size) land use designations and zoning classifications, as well as with the anticipated residential land uses and developments.
SECTION 3. FINDINGS FOR ZONE TEXT AMENDMENT NO. 15-97501:

The California Government Code and Section 17.116.050 of the City of Banning Zoning Ordinance require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The City Council hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the approval of the Zone Text Amendment No. 15-97501:

Finding No. 1: The proposed Zone Text Amendment No. 15-97501 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 15-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning classifications of the subject properties will be changed, through proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, to reflect the existing single family residences in order to remove their non-conforming status, and the text amendment will result in clarifying the goals, policies and programs of the General Plan with respect to future development regulations for such single family residences. The primary General Plan Land Use Element Goal is “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.” By amending the Zoning Ordinance specifically to establish an 80,000 square foot minimum lot size for the proposed Very Low Density Residential (VLDR) Zone will allow for improvements to the existing non-conforming residential properties consistent with the surrounding single family residential character that will ultimately enhance the quality of life for Banning residents who may desire to improve their respective existing residential properties.

Finding No. 2: The proposed Zone Text Amendment No. 15-97501 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, is consistent with the existing provisions of Section 17.80.020 (Permitted, Conditional and Prohibited Uses) and Section 17.08.030 (General Standards) of the Zoning Ordinance. The proposed amendment will amend the existing Zoning Ordinance pertaining to single family residential development within the proposed Very Low Density Residential (VLDR) Zone and the establishment of an 80,000 square foot minimum lot size maintains the development standards established by the Zoning Ordinance for single family residential uses. Additionally, staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.
Finding No. 3: That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact: An Initial Study/Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501, would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 16, 2015. Therefore, proposed Zone Text Amendment No. 15-97501, along with proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3503, 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

SECTION 4. The Initial Study/Negative Declaration for General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 is hereby adopted pursuant to the requirement of the California Environmental Quality Act.

SECTION 5. The General Plan land use designations and Zoning classifications of the nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) located on the east side of Hargrave Street, south of Barbour Street, are hereby changed from Industrial (I) to Low Density Residential (LDR) and the nine (9) properties (APN: 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020) located on the south side of Barbour Street, between Hargrave Street and Juarez Street, are hereby changed from Industrial (I) to Very Low Density Residential (VLDR)(80,000 square foot minimum lot size); and, a suffix in order to be placed on the map for said parcels, as follows: VLDR – 80,000 square feet.
SECTION 6. The minimum lot size per single family lot within the Very Low Density Residential Zone Assessor’s Parcel Numbers 541-320-010, 541-320-011, 541-320-012, 541-320-013, 541-320-014, 541-320-015, 541-320-018, 5410320-019 and 541-320-020 is hereby amended by amending Table 17.08.030 residential development standards as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size/Single</td>
<td>20,000 Square Feet or</td>
</tr>
<tr>
<td>Family Lot</td>
<td>suffix</td>
</tr>
<tr>
<td>Maximum Lot Width</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Minimum Street Side Yard</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>25 Percent</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>2 Stories/35 Feet</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td></td>
</tr>
<tr>
<td>One-Story Home</td>
<td>25 Percent</td>
</tr>
<tr>
<td>Multi-Story Home</td>
<td>40 Percent</td>
</tr>
</tbody>
</table>

"5 In the LDR and VLDR Zone, if no suffix is shown on the map. If a suffix is shown on the map, that suffix indicates the minimum lot size.”

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 8. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.
PASSED, APPROVED, AND ADOPTED this ___ day of ___________, 2015.

__________________________
Deborah Franklin, Mayor
City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT:

__________________________
David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

__________________________
Marie A. Calderon, City Clerk
City of Banning, California

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1469 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _____ day of _______________ 2015, and was duly adopted at a regular meeting of said City Council on the _____ day of ____________________, 2015, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

__________________________
Marie A. Calderon, City Clerk
City of Banning, California
ATTACHMENT 3
Initial Study/Negative Declaration
CITY OF BANNING
Initial Study/Negative Declaration

General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and
Zone Text Amendment No. 15-97501
Southeast Corner of Barbour Street and Hargrave Street

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

January 5, 2015

Brian Guillot
Acting Community Development Director
(951) 922-3152
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<td>46</td>
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<td>8. LIST OF PREPARERS</td>
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</tbody>
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EXHIBIT A (Vicinity Map)                                               | 48       |

EXHIBIT B (Project Study Area Map - Existing Land Use Designations)    |          |

EXHIBIT C (Project Study Area Map - Proposed Land Use Designations)    |          |
City of Banning Initial Study/Negative Declaration for General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 Southeast Corner of Barbour Street and Hargrave Street

EXECUTIVE SUMMARY

The project area is located southerly of Barbour Street, easterly of Hargrave Street, northerly of Charles Street, and westerly of a southerly straight-line extension of Juarez Street. The project area is also located approximately one-quarter mile south of the Interstate (I-10) Freeway and approximately 1,700 feet southwesterly of the westerly terminus of Runway 8-26 of the Banning Municipal Airport.

The City of Banning is proposing to amend the General Plan land use designation and Zoning classification for an area containing approximately 18.62 acres which is comprised of eighteen (18) individual parcels. The General Plan land use designation and Zoning classification of the nine (9) properties (APN: 541-320-001, 541-320-002, 541-320-003, 541-320-004, 541-320-005, 541-320-006, 541-320-007, 541-320-008 and 541-320-009) along east side of Hargrave Street, containing a total of approximately 1.45 acres, is proposed to be amended from Industrial (I) to Low Density Residential (LDR) (0-5 dwelling units per acre); and, the General Plan land use designation and Zoning classification of the nine (9) properties (APN: 541 320 010, 541 320 011, 541 320 012, 541 320 013, 541 320 014, 541 320 015, 541 320 018, 541 320 019 and 541 320 020) along south side of Barbour Street, containing a total of approximately 17.17 acres, is proposed to be amended from Industrial (I) to Very Low Density Residential (VLDR) (0-2 dwelling units per acre) (Overlay Zone: 80,000 square foot minimum lot size). Zone Text Amendment No. 15-97501 will amend Table 17.08.030 (Residential Development Standards) of the City’s Zoning Ordinance to include “suffix "h"” for the minimum lot size per single family residence within the proposed Very Low Density Residential (VLDR) Zone. The proposed General Plan Amendment, Zone Change and Zone Text Amendment is intended to reflect the existing “single family residential” land use of the subject properties, thereby eliminating their non-conforming status under the current “industrial” designation.

The proposed General Plan Amendment, Zone Change and Zone Text Amendment will create a land use designation of intermediate densities within the subject project area ranging from 2 to 5 dwelling units per acre. This “City initiated” proposal is intended to reflect the existing residential land uses and allow for the existing residents to make improvements to their respective residential dwellings, as may be needed, which are currently restricted under the existing Industrial (I) General Plan and Zoning designation. With respect to the resulting land use densities, the subject project area to be designated as Low Density Residential (LDR) (0-5 dwelling units per acre) currently has nine (9) parcels and will remain with only nine (9) parcels; and, the subject project area to be designated as Very Low Density Residential (VLDR) (0-2 dwelling units per acre) currently has nine (9) parcels and, as a result of the proposed 80,000 square foot minimum lot size overlay designation, will remain with only nine (9) parcels. With this, the total number of parcels within the subject project area will remain at eighteen (18) parcels.
The table below provides a summary of the properties that are subject to the proposed General Plan Amendment, Zone Change and Zone Text Amendment.

<table>
<thead>
<tr>
<th>Proposed Parcels for Low Density Residential (LDR)</th>
<th>Assessor Parcel Number</th>
<th>Recorded Lot Size</th>
<th>Developed</th>
<th>Divisible</th>
</tr>
</thead>
<tbody>
<tr>
<td>541-320-001</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-002</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-003</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-004</td>
<td>0.16 acres</td>
<td>Yes</td>
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<td></td>
</tr>
<tr>
<td>541-320-005</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-006</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-007</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-008</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-009</td>
<td>0.16 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Parcels for Very Low Density Residential (VLDR)(80,000 SF Minimum Lot Size)</th>
<th>Assessor Parcel Number</th>
<th>Recorded Lot Size</th>
<th>Developed</th>
<th>Divisible</th>
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<tbody>
<tr>
<td>541-320-010</td>
<td>2.75 acres</td>
<td>No</td>
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<td></td>
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<tr>
<td>541-320-011</td>
<td>2.40 acres</td>
<td>No</td>
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<td></td>
</tr>
<tr>
<td>541-320-012</td>
<td>2.40 acres</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-013</td>
<td>1.88 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>541-320-014</td>
<td>2.88 acres</td>
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<td>541-320-015</td>
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<td>541-320-018</td>
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<td>541-320-019</td>
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</tr>
<tr>
<td>541-320-020</td>
<td>0.50 acres</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 is a proposal initiated by the City of Banning involving only the change of the land use designation within the specific project area to reflect the existing land use conditions. This proposal does not directly result in the actual development/construction of a project; rather, it involves only the creation of a change to a City land use policy. However, the proposed General Plan Amendment, Zone Change and Zone Text Amendment is a “project” pursuant to the definitions of the California Environmental Quality Act (CEQA), which has required the preparation of this Initial Study. As part of the proposed project’s environmental review, the City of Banning (as the “Lead Agency”) has prepared this Initial Study pursuant to the CEQA Guidelines and the local environmental guidelines of the City of Banning in order to assess any potential effects on the environmental resulting from the proposed General Plan Amendment, Zone Change and Zone Text Amendment.

The results of this Initial Study show that there is no substantial evidence that the proposed project (General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501) would have a significant effect on the environment. Therefore, a Negative Declaration is being recommended for adoption.

Copies of the Initial Study and the Notice of Intent to Adopt a Negative Declaration will be forwarded to responsible agencies and will be made available to the public for review and comment. A 20-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the Negative Declaration.
1. INTRODUCTION

Purpose and Scope

This Initial Study 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 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 implementation of the Project.

Incorporation by Reference

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents. These documents are hereby incorporated by reference in their entirety into this Initial Study, as authorized by Section 15150 of the State CEQA Guidelines. All of the documents incorporated by reference are listed in Section 7 of this Initial Study.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (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 the California Environmental Quality Act.

This Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. 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
Within this Initial Study, a series of questions are 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.**

   The proposed project may, or is known to, result in significant unmitigatable adverse environmental impacts.

B. **Potentially Significant Impact Unless Mitigation.**

   The proposed project may have the potential to generate impacts that are considered to represent a significant impact on the environment. However, the level of impact may be reduced to levels that are considered to be less than significant with the implementation of mitigation measures.

C. **Less Than Significant Impact.**

   The proposed project may have the potential for impacting the environment, although these impacts are likely to be below levels or thresholds that the City or other responsible agencies consider to be significant.

D. **No Impact.**

   The proposed project will not have any measureable environmental impact on the environment.
3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, I find that:

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

- 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 B (attached), have been added to the Project. A 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: Brian Guillot, Action Community Development Director

Prepared by: Oliver Mujica, Contract Planner

Date: January 5, 2015

4. PROJECT DESCRIPTION

Project Title: General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501
Southeast Corner of Barbour Street and Hargrave Street

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

Applicant: City of Banning
Community Development Department – Planning Division
99 E. Ramsey Street
Banning, CA 92220

General Plan Designation: Industrial

Zoning: Industrial (I)

Project Description: General Plan Amendment No. 14-2501, Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 is a proposal by the City of Banning to change the existing General Plan land use designation and zoning classification of 1.45 acres from Industrial (I) to Low Density Residential (LDR)(0-5 dwelling units per acre) and 17.17 acres from Industrial (I) to Very Low Residential Density (VLDR)(0-2 dwelling units per acre)(Overlay Zone: 80,000 square foot minimum lot size).

Surrounding Land Uses and Setting: The project area is located southerly of Barbour Street, easterly of Hargrave Street, northerly of Charles Street, and westerly of a southerly straight-line extension of Juarez Street. The project area is also located approximately one-quarter mile south of the Interstate (I-10) Freeway and approximately 1,700 feet southwesterly of the westerly terminus of Runway 8-26 of the Banning Municipal Airport.

North: Airport Industrial
East: Industrial
South: Low Density Residential
West: Low Density Residential

Approvals Required:

In order to complete and approve the proposed Project, the City of Banning would need to take the following actions:

- Adoption of an Initial Study/Negative Declaration by the City Council;
- Approval of the General Plan Amendment and Zone Change by the City Council; and
- Approval of the Zone Text Amendment through adoption of an Ordinance by the City Council.
## 5. ENVIRONMENTAL ANALYSIS CHECKLIST

<table>
<thead>
<tr>
<th>AESTHETICS: Would the Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</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>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</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>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<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>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AGRICULTURAL RESOURCES: Would the Project:</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 non-agricultural use?</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</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>
</tr>
<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<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>e)</td>
<td>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>
</tr>
<tr>
<td>III. AIR QUALITY. Would the Project:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b)</td>
<td>Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c)</td>
<td>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>
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<tr>
<td>d)</td>
<td>Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
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<tr>
<td>e)</td>
<td>Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>IV. BIOLOGICAL RESOURCES. Would the Project:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>a)</td>
<td>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>
</tr>
<tr>
<td>b)</td>
<td>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>
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<tr>
<td>c)</td>
<td>Have a substantial adverse effect on</td>
<td>☐</td>
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<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
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<tr>
<td>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>
</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>
</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>
<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>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>V. CULTURAL RESOURCES. Would the Project:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>VI. GEOLOGY AND SOILS. Would the Project:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
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<tr>
<td>i)</td>
<td>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>
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<tr>
<td>ii)</td>
<td>Strong seismic ground shaking?</td>
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<td>iii)</td>
<td>Seismic-related ground failure, including liquefaction?</td>
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<tr>
<td>iv)</td>
<td>Landslides?</td>
<td></td>
<td></td>
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<tr>
<td>b)</td>
<td>Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>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>
<td></td>
<td></td>
</tr>
<tr>
<td>e)</td>
<td>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**VII. GREENHOUSE GAS EMISSIONS, Would the Project:**

<table>
<thead>
<tr>
<th>a)</th>
<th>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
</tr>
<tr>
<td>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:</td>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
</tr>
<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>
<td>☐</td>
</tr>
<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>
<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>
<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 it result in a safety hazard for people residing or working in the project area?</td>
<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>
<td>☐</td>
</tr>
<tr>
<td>g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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<tr>
<td>IX. HYDROLOGY AND WATER QUALITY. Would the Project:</td>
<td></td>
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<td>---------------------------------------------------</td>
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</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<tr>
<td>b) 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) 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>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td></td>
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<tr>
<td>e) 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>
<td></td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
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<tr>
<td>g) Place housing within a 100-year floodplain?</td>
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<td>Potentially Significant Impact</td>
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<tr>
<td>flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
</tr>
<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>☐</td>
</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>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
</tr>
<tr>
<td><strong>X. LAND USE AND PLANNING. Would the Project:</strong></td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</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 environmental effect?</td>
<td>☐</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
</tr>
<tr>
<td><strong>XI. MINERAL RESOURCES. Would the Project:</strong></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
</tr>
<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>
</tr>
<tr>
<td><strong>XII. NOISE. Would the Project:</strong></td>
<td></td>
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<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>
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<tr>
<td>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
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<tr>
<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
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<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>
</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>
</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>
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</tbody>
</table>

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

| 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)? | ☐ | ☐ | ☐ | ☑ |
| b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |

**XIV. PUBLIC FACILITIES. Would the Project:**

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 . . . |
|------------------------------------------|------------------|-------------------|------------------|---------------|
| a) Fire protection?                      | ☐                | ☐                | ☐                | ☐             |
| b) Police protection?                    | ☐                | ☐                | ☐                | ☐             |
| c) Schools?                              | ☐                | ☐                | ☐                | ☐             |
| d) Parks?                                | ☐                | ☐                | ☐                | ☐             |
| e) Other public facilities?              | ☐                | ☐                | ☐                | ☐             |

**XV. RECREATION:**

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

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

**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
<table>
<thead>
<tr>
<th>Measures, or other standards established by the county congestion management agency for designated roads or highways?</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>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?</td>
<td>☐</td>
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<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td>☐</td>
<td>☐</td>
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**XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:**

<table>
<thead>
<tr>
<th>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</th>
<th>☐</th>
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<tbody>
<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>
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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>
<td>e)</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>
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<tr>
<td>g)</td>
<td>Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>☐</td>
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**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

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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>
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</thead>
<tbody>
<tr>
<td>a)</td>
<td>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>
</tr>
<tr>
<td>b)</td>
<td>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>
</tr>
<tr>
<td>c)</td>
<td>Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
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6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I: AESTHETICS.

A. Would the project affect a scenic vista?

No Impact.

The City of Banning is located in the San Gorgonio Pass area of Riverside County. The San Gorgonio Pass divides the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. The dominant scenic vista associated with the project area is the backdrop of these mountains. The City’s General Plan considers the mountain backdrops as significant visual features. The San Gorgonio Peak which is a top of the San Bernardino Mountains is 11,499 feet above mean sea level and is the highest peak in Southern California. The San Jacinto Peak which is the highest peak of the San Jacinto Mountains is located approximately six (6) miles south of the I-10 freeway. It rises to 10,804 feet above mean sea level and is the highest peak in Riverside County. The adjacent mountain canyons form the alluvial plains on which portions of the City has developed. The mountains provide dramatic and valuable viewsheds. The General Plan policy requires that, “The City protects the peaks and ridgelines within the City and encourages coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City’s area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass Area.” The project area is located on the valley floor of the San Gorgonio Pass within an urbanized portion of the City of Banning, and will remain developed as a single family residential neighborhood with the potential of such residential development to occur in the future. The height of the homes throughout the City is required to comply with the maximum height limitation of thirty-five (35) feet. This height limit is a negligible height impact relative to height of these mountains and their peaks. Therefore, there will not be an impact to a scenic vista.

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

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:

✓ Consist of scenic corridor that is comprised of a memorable landscape that showcases the natural scenic beauty or agriculture of California;
✓ Existing visual intrusions do not significantly impact the scenic corridor;
Demonstration of strong local support for the proposed scenic highway designation; and
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 distance, 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. State Route 243 is located approximately one-quarter mile north of the project area. Therefore, there will not be an impact to scenic resources.

C. Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact.

As noted in the responses “A” and “B” above, scenic vistas or scenic resources will not be affected by the proposed project. Additionally, the project area is located within an urban environment and single family residential development is consistent with the land use character of the neighborhood and surrounding area. Therefore, the proposed project will not degrade the visual character.

D. Would the project create a new source of substantial light or glare that would adversely affect day or night-time views in the area?

No Impact.

The project area is located within an urbanized portion of the City of Banning. The major sources of lighting in the vicinity of the project area include streetlights, headlight glare from vehicles, and interior building lighting, all of which are needed for safety and security reasons. All proposed outdoor lighting would conform to the City’s outdoor lighting guidelines which prohibit spill lighting on adjacent properties. Therefore, day or night-time views will not be impacted.
Checklist Item II: AGRICULTURAL AND FORESTRY RESOURCES.

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

No Impact.

The project area is located within an urbanized area of the City of Banning and is currently designated by the City’s General Plan and Zoning Code as Industrial and being proposed as a combination of Low Density Residential (LDR)(0-5 dwelling units per acre) and Very Low Density Residential (VLDR)(0-2 dwelling units per acre). Within the project area, of the existing eighteen properties, fifteen (15) of the properties are currently developed with single family residences and the remaining three (3) properties are vacant (containing no planted trees or vegetation). According to the Department of Conservation Farmland Mapping and Monitoring Program, the project area has not been mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and falls within the classification of Urban Built-up Land. Therefore, there will not be an impact on farmlands or agricultural resources.

B. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact.

No agricultural activities are being conducted within the project area. City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) does not contemplate agricultural land uses for the project area. Additionally, project area is not subject to a Williamson Act contract. Therefore, there will not be an impact on agricultural uses or a Williamson Act contract.

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))? Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact.

No forestland, timberland, or timberland activities are being conducted within the project area. The City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) do not contemplate forestland or timberland land uses for the project area. Therefore, there will not be an impact on forestland uses or a Williamson Act contract.

D. Result in the loss of forestland or conversion of forestland to non-forest use?

No Impact.

No forestland exists within the project area. The City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) does not contemplate forestland land uses for the project area. Therefore, there will not be a loss of forestland.
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?

No Impact.

No farmland exists within the project area. The City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) does not contemplate farmland land uses for the project area. Therefore, there will not be an impact on farmland uses.

Checklist Item III: AIR QUALITY.

A. Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact.

The proposed project will generate short-term and long-term air quality impacts. Short-term air quality impacts occur during site preparation, grading, and subsequent construction of housing development. Sources of emissions includes emissions from grading and construction equipment, truck traffic for delivery and hauling of construction materials, and emissions from vehicles used by construction workers to and from the construction site. Long-term air quality impacts are those associated with project generated vehicle trips, as well as, from stationary sources related to the use of natural gas and electricity for heating, cooling, and lighting.

The City of Banning is located within the South Coast Air Basin where air quality is regulated by the South Coast Air Management District (SCAQMD). The SCAQMD regulates short-term and long-term air quality impact from stationary and non-stationary pollution sources. The SCAQMD adopted the latest Air Quality Management Plan (AQMP) in December 2012. The AQMP includes development information from the City General Plans within the SCAQMD boundaries including the City of Banning. The City’s General Plan requires that the “City cooperate with the SCAQMD to assure compliance with air quality standards” and that the “development proposals mitigate any significant air quality impacts” which include short-term construction related impacts and long term air quality impacts associated with occupancy and project operations. The SCAQMD regulates fugitive dust emissions during construction through Rule 403.

Additionally, Cities are required by State law to conform with the land use regulations of the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the 2012 Regional Housing Needs Assessment (RHNA) prepared by the Southern California Association of Governments (SCAG). The Final EIRs prepared by SCAG for the RTP/SCS and by the SCAQMD for the AQMP analyzed air pollutant emissions that would result from all development throughout the region, and concluded that significant impacts would occur for some types of pollutants. Since the proposed project is consistent with these regional plans, impacts to air quality have already been analyzed in the RTP/SCS and AQMP EIRs.

The State continues to improve construction codes for the Building, Plumbing, and Energy Code. The future developments within the project area are required to comply with the State Building Code to reduce air emissions related to heating, cooling, and lighting. The City of Banning’s General Plan policies require that air quality impacts be mitigated including compliance with the City’s Zoning Ordinance.

Compliance with the State construction code requirements and the mitigation measures indicated above will help to reduce the project’s air quality impacts, however as previously analyzed in the
RTP/SCS EIR, regional impacts to air quality will continue to be to less than significant. Since the proposed project is consistent with regional plans, air quality impacts would not be substantially greater than previously analyzed. The proposed project will not affect any regional population, housing, and employment projections prepared for the City by SCAG. As a result, the proposed project is consistent with the Growth Management Plan. Finally, the proposed project is not subject to the requirements of the Air Quality Management Plan’s PM10 Program, which is limited to the desert portions of the South Coast Air Basin. Given the potential of relatively small size of future development, it is not considered to be regionally significant, according to the SCAQMD. Specific criteria for determining a project’s conformity with the AQMP is defined in Chapter 12 of the Air Quality Management Plan (AQMP) and Section 12.3 of the SCAQMD’s CEQA Air Quality Handbook that states the following:

✓ Consistency Criteria 1. Will the proposed project result in an increase in the frequency or severity of an existing air quality violation or contribute to the continuation of an existing air quality violation?
✓ Consistency Criteria 2. Will the proposed project exceed the assumptions included in the AQMP or other regional growth projections relevant to the AQMP’s implementation?

Prior to the issuance of buildings permits for the future development projects and additions and/or alterations to the existing residences, the City of Banning will confirm that the plans and specifications stipulate that, in compliance with South Coast Air Quality Management District Rule 403. Excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the South Coast Air Quality Management District Rules and Regulations. In addition, South Coast Air Quality Management District Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

✓ All active portions of the construction site shall be watered to prevent excessive amounts of dust;
✓ On-site vehicles’ speed shall be limited to 15 miles per hour;
✓ All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;
✓ All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
✓ If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 miles per hour averaged over one hour) or during Stage 1 or Stage 2 episodes; and,
✓ All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

Prior to the issuance of building permits for future development projects and additions and/or alterations to the existing residences, the City of Banning will confirm that the plans and specifications stipulate that, in compliance with South Coast Air Quality Management District Rule 403. Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer’s specifications, to the satisfaction of the City Engineer. The City inspector shall be responsible for ensuring that contractors comply with this measure during construction.
Prior to the issuance of building permits for future development projects and additions and/or alterations to the existing residences, the City of Banning will confirm that the applicant is in compliance with South Coast Air Quality Management District Rule 1113, reactive organic gas emissions from architectural coatings shall be reduced by using precoated natural colored building materials, water-based or low-reactive organic gas coating and using coating transfer or spray equipment with high transfer efficiency.

The projects shall comply with South Coast Air Quality Management District Rule 1403, Asbestos Emissions from Demolition/Renovation Activities, which specifies work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials. The requirements for demolition and renovation activities include asbestos surveying, notification, asbestos-containing materials removal procedures and time schedules, asbestos-containing materials handling and clean-up procedures, and storage, disposal, and land filling requirements for asbestos-containing waste materials. All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings.

The proposed project is consistent with the adopted City of Banning General Plan (Consistency Criteria 2) pursuant to the proposed Low Density Residential and Very Low Density Residential land use designations. The future developments within the project area will result in emissions that may contribute to an existing air quality violation. However, future developments within the project area will not result in any net increase in development not already contemplated in regional growth projections (Consistency Criteria 1). As a result, the project would not be in conflict with, or result in an obstruction of an applicable air quality plan and no adverse impacts are anticipated. Mitigation measures are in place to ensure a Less Than Significant Impact.

B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less Than Significant Impact.

Short-term airborne emissions will occur during the various future development phases and include activities related to demolition, land clearance, grading, and excavation. Equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will be generated (the construction equipment is generally diesel-powered, resulting in high levels of nitrogen oxide [NOx] and particulate emissions). Finally, delivery vehicles and workers commuting to and from the construction site will generate mobile emissions. Long-term emissions refer to those air quality impacts that will occur once the land uses are operational and occupied, and these impacts will continue over the operational life of any future development. The total long-term emissions from the additional daily trips that will be generated by the project will not exceed the SCAQMD’s thresholds of significance. Mitigation measures are in place to ensure a Less Than Significant Impact.
C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**Less Than Significant Impact.**

The project area is located within a portion of the SCAQMD which has been identified by the California Air Resources Board as being in non-attainment for Ozone, Large Particulate Matter PM10 and Small Particulate Matter PM2.5. The 2007 Air Quality Management Plan for the South Coast Air Basin (2007 AQMP) relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. The plan contains a number of land use and transportation control measures that are intended to reduce air pollution emissions. The project will comply with the control measures identified in the plan in addition to all of the SCAQMD’s applicable rules and regulations.

CEQA guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” To determine if a proposed project would have a significant impact on air quality, the type, level, and impact of emissions generated by the proposed project must be evaluated. To assist in the establishment of a quantitative determination of what is considered “significant,” the SCAQMD has published a number of significance thresholds that apply to new projects constructed or operated within the SCAQMD. The SCAQMD recommends that these quantitative air pollution thresholds be used by lead agencies in determining whether a proposed project could result in a significant impact. If the lead agency finds that the proposed project has the potential to exceed these air pollution thresholds, the project should be considered significant.

The project will generate long-term operational emissions. However, the majority of the long-term emissions will be associated with vehicles traveling to and from the future development that will be below the SCAQMD’s thresholds of significance. As a result, the proposed project’s air quality impacts are considered to be less than significant. Mitigation measures are in place to ensure a **Less Than Significant Impact.**

D. Would the project expose sensitive receptors to substantial pollutant concentrations?

**Less Than Significant Impact.**

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. The sensitive receptors located in the vicinity of the project area include residential development located to the west and north of the site. The size of the proposed project is not expected to result in emission hot spots that would exceed the State’s 1-hour or 8-hour standards. As a result, no significant adverse impacts are anticipated. Mitigation measures are in place to ensure a **Less Than Significant Impact.**
E. Would the project create objectionable odors affecting a substantial number of people?
No Impact.

The SCAQMD’s CEQA Air Quality Handbook identifies those uses that will typically create odors that, in turn, could generate complaints. These uses include agricultural activities, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding operations. Due to the nature and extent of the residential land uses within the project area, there is not the potential for such objectionable odors to affect the surrounding areas. Therefore, there will not be an impact from objectionable odors.

Checklist Item IV: BIOLOGICAL RESOURCES.

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
No Impact.

Based on the review of the General Plan for the City of Banning, there are no sensitive plant and animal species as having a potential to occur in the vicinity of the project area. Additionally the potential to find such species within the project area or in the area immediately surrounding the project area is very low due to a lack of natural vegetation, the heavy disturbance of the natural environment (active weed control) and the lack of undisturbed habitat. Therefore, there will not be an impact on habitat species.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
No Impact.

The detailed review of Exhibit IV-2 of the General Plan demonstrates that the project area is not located in a Special Linkage Area or Criteria Area of the MSHCP. The detailed review of Exhibit IV-3 of the General Plan demonstrates that the project area is not located in an area that supports the Yucaipa Onion. The detailed review of Exhibit IV-4 of the General Plan demonstrates that the project area is not located in a Burrowing Owl Survey Area. The detailed review of Exhibit IV-5 of the General Plan demonstrates that the project area is not located in a L.A. Pocket Mouse survey area. Therefore, there will not be a substantial adverse effect on candidate, sensitive, or special status species. Additionally, there are no streams, drainage courses, or lakes on within the project area. There are no depressions within the project area that may allow water to collect and provide suitable habitat to support natural communities and wetlands. The project area is within an urbanized area surrounded by existing developments. Consequently the project area does not serve as a wildlife movement corridor. The site contains no trees or vegetation; and, there is nothing to consider preserving. Therefore, there will not be an impact on riparian habitat.
C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 344 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact.

The project area is within an urbanized community, and as indicated in the preceding sections, the implementation of the proposed project will not affect any protected wetland. As a result, no wetland habitat will be disturbed by the proposed project. Therefore, there will not be an impact on wetland habitat.

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

No Impact.

The animal species common within the project area and the surrounding area are typical of those found in an urbanized setting. The project area does not function as a wildlife movement corridor. No locally designated species are located within the project area. Additionally, no trees will be impacted by the proposed project. The project area is devoid of any vegetation. Thus, no impact to local policies and programs related to resource management is expected with the project’s implementation. Therefore, there will not be an impact on migratory fish or wildlife species.

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

No Impact.

The proposed project will not result in the removal of any existing trees. Thus, no impacts to locally designated species will occur. Therefore, there will not be an impact on protected biological resources.

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

No Impact.

The project area is within an urbanized community, and is not located within an area governed by a habitat conservation or community conservation plan. Therefore, no adverse impacts on local, regional, or state habitat conservation plans will result from the proposed project’s implementation.

Checklist Item V: CULTURAL RESOURCES.

A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines?

No Impact.

When the General Plan for the City of Banning was prepared in 2006, historical maps, previous cultural resource surveys, aerial photographs, topographic maps and other cultural records were consulted to determine the presence of known archaeological resources within the City. A total of twenty (20) archaeological sites have been identified and recorded within the City, twelve (12) of which are prehistoric (Native American) sites. The entire City for the General Plan has not
been extensively surveyed for cultural resources due to the fact that large scale development projects have not been as widespread within the City as other communities in the San Gorgonio Pass/Coachella Valley region.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseño Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseño Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

A detailed review of Table IV-11 of the General Plan found that the project area does not contain a listed “Historic-Era” building or structure, in fact there are no historical structures located within the project area. A detailed review of Exhibit IV-7 found that there are no designated heritage properties located within, or in the vicinity, of the project area. Therefore, the potential to find such cultural resources within the project area is very low due to the lack of history of structures being located within the project area and the heavy disturbance of the ground (active weed control). There are no known archaeological resources, paleontological resources, or cemeteries within the project area. In the event of accidental discovery of human remains, the County Coroner will be contacted and the remains will be dealt with in accordance with State regulations. Therefore, no impacts on historically significant resources will result.

B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines?

No Impact.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseño Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseño Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

As previously indicated, the project area is not known to be historically or culturally significant to any group or individuals. Archaeological or historical resources are not expected to be found within the project area. Therefore, the proposed project will not impact any known or suspected culturally significant sites.
C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact.

The project area is within an urbanized area and the surrounding properties have undergone ground disturbance associated with past development and excavation. The potential for paleontological resources within the project area is considered low due to the extensive alluvial deposition that has occurred in the area. Furthermore, no paleontological resources have been uncovered in the area. Therefore, the proposed project is not expected to disturb any paleontological resources on-site.

D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

No Impact.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

There are no cemeteries located in the immediate area that would be affected by the proposed project. Additionally, the project area does not contain any sacred structures. It is unlikely that human remains would be encountered during grading and excavation for future developments. Therefore, the proposed project will not impact any cemeteries.

Checklist Item VI: GEOLOGY AND SOILS.

A. Would the project result in or expose people or structures to potential significant adverse effects, including the risk of loss or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?

Less Than Significant Impact.

The City's General Plan Table V-1 shows the various fault names, proximity to Banning, and seismic intensities, and Exhibit V-3 shows approximate location of these fault zones including San Andreas Fault. The entire City is therefore susceptible to seismically induced ground shaking. To minimize potential earthquake and ground rupture hazards to structures and people, mitigation measures are in place to ensure a Less Than Significant Impact.
B.  *Would the project expose people or structures to potential substantial adverse effects, including substantial soil erosion or the loss of topsoil? Less Than Significant Impact.*

As illustrated in Exhibit V-3 of the General Plan, the project area is not located in Alquist-Priolo Zone, therefore the possibility of significant fault rupture is considered to be low. Additionally, the future development within the project area must be designed in accordance with the requirements of the California Building Code (CBC) Seismic Design parameters. The CBC provides procedures for earthquake resistant structural design that include considerations for on-site soils conditions, occupancy, and the configuration of the structure including structural system and height.

The City of Banning General Plan Exhibit V-4 indicates that the project area is located within a zone of moderate liquefaction susceptibility. However, the California Building Code requires the submittal of a soils and geotechnical investigation specific for the site at time of building permit submittal; and, that report will address any specific risks associated with liquefaction. Specific design provisions will be part of the recommendations of the soils and geotechnical investigation at the time of building permit application. Any provisions will be made a part of the building plans and specifications. Additionally, the recommendations of the report will be made part of the grading plans through the project conditions of approval and in accordance with the “Grading Ordinance” for the City of Banning.

Given the developed character of the surrounding parcels, no significant adverse constraints related to expansive soils are anticipated. The adherence to the existing development code and building code requirements will reduce the potential impacts to levels that are less than significant. Mitigation measures are in place to ensure a *Less Than Significant Impact.*

C.  *Would the project expose people or structures to potential substantial adverse effects, including location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? Less Than Significant Impact.*

The future developments within the project area will not involve any significant grading. Liquefaction susceptibility is a function of the capacity of sediments to resist moderate to severe seismic ground shaking intensity. Liquefaction hazard mapping focuses on areas historically characterized by ground-water depths of 34 feet or less. The majority of the City is located in an area that has been identified as having a potential for liquefaction. Mitigation measures are in place to ensure a *Less Than Significant Impact.*

D.  *Would the project result in or expose people to potential impacts, including location on expansive soil, as defined in the California Building Code (2002), creating substantial risks to life or property? Less Than Significant Impacts.*

Grading and excavation will be required to facilitate removal of the existing on-site improvements. The soils that underlie the parcel are adequate to support the proposed development. Mitigation measures are in place to ensure a *Less Than Significant Impact.*
E. Would the project result in or expose people to potential impacts, including soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact.

No septic tanks will be used as part of the proposed project. As a result, no impacts associated with the use of septic tanks will result from the proposed project’s implementation.

Checklist Item VII: GREENHOUSE GAS EMISSIONS.

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

No Impact.

Future residential development within the project area will generate greenhouse gas emissions during short-term construction and long-term occupancy of the residences. The short-term emissions are primarily the result of fuel combustion by construction equipment, delivery and haul trucks, and motor vehicles used by construction worker to travel to and from the project site. Based on the emission calculations for the different types of pollutants in Appendix A, the short-term construction would exceed 2.5 times daily threshold for NOx set by the South Coast Air Quality Management District if all of the properties affected by the proposed amendments were to be developed at the same time. Construction of the specific projects expected to occur after adoption of the Housing Element and the related amendments will proceed based on market demand over many years. Therefore, the greenhouse gas emissions resulting from the project at any particular time will be much less than the maximum worst-case estimate shown in Appendix A.

Over the long-term, the project will result in greenhouse gas emissions primarily from the consumption of electricity and use of automobiles and vehicles by the residents who live within the project area. Under state law, the City is required to adopt plans and land use regulations to accommodate housing units pursuant to the Regional Housing Needs Assessment (RHNA), which are included with the City’s 2008-2014 Housing Element cycle. The SCAQM District and SCAG have prepared the latest Air Quality Management Plan (2012) and Regional Transportation Plan/Sustainable Communities Strategy (2012 RTP/SCS), respectively, which are based upon the land uses and housing units required under the RHNA. Therefore, greenhouse gas emissions resulting from the proposed project have been analyzed in the previous EIRs prepared for the AQMP and RTP/SCS. Since the proposed project is consistent with those regional plans, potential impacts to greenhouse gas emissions would not be substantially greater than previously analyzed and no new significant impacts would occur.

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

No Impact.

The City of Banning General Plan incorporates policies that “promotes energy conservation throughout all areas of the community and sectors of the local economy and encourage the expanded use of public transit, vehicles fueled by compressed natural gas and hydrogen, buses with bike racks and other improvements that enhance overall operations and energy conservation”. 
The California Building and Energy Codes continue to be updated to provide for more efficient building and energy conservation. The manufacturers of household appliances continue to make energy efficient appliances for consumers such as clothes washers and dryers, and dishwashers. Old appliances within the homes would be replaced with new energy efficient appliances which should help reduce greenhouse gas emission. The City does not regulate mobile sources of air pollution as they are regulated at the regional level through SCAQMD, State EPA, and Federal EPA. However, the City of Banning through its General Plan policies and programs will continue to support development that promotes conservation of resources which should help contribute to the overall reduction of the greenhouse gas.

Checklist Item VIII: HAZARDS AND HAZARDOUS MATERIALS.

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

   Less Than Significant Impact.

The Environmental Protection Agency’s (EPA’s) Environfacts Database was consulted to identify EPA-regulated facilities within the project area. The project area is not included on this list. During the removal of the existing on-site surface materials, some conditions may be encountered. Mitigation measures are in place to ensure a Less Than Significant Impact.

B. Would the project create a significant hazard to the public or the environment, or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

   No Impact.

The proposed residential uses will not involve any activities that would generate industrial or commercial hazardous wastes. Therefore, no impacts are anticipated.

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

   No Impact.

The proposed residential uses will only involve materials for on-site routine cleaning and maintenance. Therefore, no impacts are anticipated from the proposed project.

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

   No Impact.

The Environmental Protection Agency’s (EPA’s) Environfacts Database was consulted to identify EPA-regulated facilities within the project area. The project site is not included on this list. Therefore, no impacts are anticipated.
E. Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?

Less Than Significant Impact.

The project is located within Airport Compatibility Zones D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 11, 2014, the Riverside County Airport Land Use Commission determined the project (General Plan Amendment No. 14-2501 and Zone Change No. 3501) is consistent with the Airport Land Use Compatibility Plan.

F. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?

No Impact.

A review of area surrounding the project site shows that there are no personal use airports operating in the vicinity. As a result, the proposed project will not present a safety hazard related to aircraft or airport operations of a private airstrip.

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

No Impact.

A review of the City of Banning Emergency Operations Plan as well as a consultation with the Fire Services Division revealed that the project will not impair an emergency evacuation plan at this time. Exhibit V-9 of the City’s General Plan reveals that the site is not located in a Very High Fire Severity Zone; and, therefore will not impact wildland fire hazards. At no time will local streets used for evacuation routes be closed to emergency traffic. Thus, no impacts on emergency response or evacuation are expected with the project’s implementation.

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

No Impact.

The project area in located within an urbanized portion of the City of Banning in a low-lying area which is not adjacent to any wild lands. Therefore, no impacts are anticipated.

Checklist Item IX: HYDROLOGY AND WATER QUALITY.

A. Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant Impact.

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 Pollution 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.
Construction activities associated with housing development is subject to the 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. Mitigation measures are in place to ensure a Less Than Significant Impact.

B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of a pre-existing nearby well would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact.

The project area is located within an urbanized portion of the City of Banning which is to be zoned for residential development consistent with the existing land uses. The existing and any future residences 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 future residential development within the proposed area. The Banning Municipal Code requires that projects 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 area is located in an area that is not being used as ground water recharge so it is not anticipated that the natural aquifer recharge process will be impacted. Therefore, there will be no impacts to groundwater supplies.

C. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

No Impact.

The project area is located within an urbanized portion of the City of Banning. Future residential development will create impervious surfaces and increase the amount of surface run-off. The City of Banning Municipal Code requires that the project 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. The on-site storm drain system is required to comply with the NPDES requirements to control siltation during rain. No natural drainage or riparian areas are located within the project area. Additionally, no streams or rivers are located within the surrounding area. Therefore, there will not be any impacts on streams or natural hydrology.
D. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on- or off-site?

No Impact.

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 into the grading plan to ensure that the project does not create flooding on- and off-site. There are no streams or rivers within the project area. Compliance with the City of Banning Municipal Code will reduce the project impact to less than significant. In addition, there will not be any increase in storm water surface runoff conveyed to the existing storm drain system given the extent of the existing impervious surfaces within the project area. Therefore, there will not be an impact on existing drainage patterns.

E. Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

No Impact.

No surface water bodies are within the project area or in the adjacent vicinity that would be affected by the proposed project. The nature and extent of storm water runoff ultimately discharged into the existing storm drain system will not significantly change from the existing levels. In addition, no wells are planned as part of the proposed project. Therefore, there will be no impacts to storm water drainage systems.

F. Would the project otherwise substantially degrade water quality?

No Impact.

Future development will be required to implement a storm water pollution prevention plan and water quality management plan in accordance with National Pollutant Discharge Elimination System (NPDES) and City of Banning requirements. With adherence to the most recent Clean Water Act requirements, no impacts from the proposed project will result.

G. Would the project 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?

No Impact.

According to the National Flood Insurance Program, the project area is located on Map Index Community Panel No. 06065C, Map revised August 28, 2008. The project area is not identified within a 100-year flood hazard area. Therefore, no structures will be placed within the flood hazard area.
H. Would the project place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

No Impact.

According to the National Flood Insurance Program, the project area is located on Map Index Community Panel No. 06065C, Map revised August 28, 2008. The project area is not identified within a 100-year flood flow hazard area. Therefore, no structures will be placed within the flood flow hazard area.

I. Would the project expose people or structures to a significant risk of flooding as a result or levee failure?

No Impact.

According to the National Flood Insurance Program, the project area is located on Map Index Community Panel No. 06065C, Map revised August 28, 2008. The project area is not identified within a levee or dam area. Therefore, no structures will be placed within a levee failure hazard.

J. Would the project result in inundation by seiche, tsunami, or mudflow?

No Impact.

According to the National Flood Insurance Program, the project area is located on Map Index Community Panel No. 06065C, Map revised August 28, 2008. The project area is not identified near water bodies where in the event of an earthquake could create inundation by seiche, tsunami, or mudflow. Therefore, there will not be an impact.

Checklist Item X: LAND USE AND PLANNING.

A. Would the project physically divide an established community or otherwise result in an incompatible land use?

No Impact.

The project area is located within an urbanized portion of the City of Banning that has been developed since the early part of the 20th century. The project area is located approximately one-quarter mile south of the Interstate (10) Freeway and within one-half mile southwesterly of the Banning Municipal Airport. The City’s General Plan designates the adjacent areas to the west and south as Low Density Residential (LDR), and the properties within those areas are developed with single family residences. The area to the east is designated by the City’s General Plan as Industrial (I). Although the City’s General Plan has a land use designation of Airport Industrial (AP) for the area to the north, the properties along the north side of Barbour Street are developed with single family residences.

The proposed General Plan Amendment, Zone Change and Zone Text Amendment will change the land use designation and zoning classification of the properties within the project area from Industrial (I) to Low Density Residential (LDR) and Very Low Density Residential (VLRD)(with an 80,000 square foot minimum lot size) in order to reflect the existing residential land uses and single family residential character. Therefore, there will not be a physical division of an established community or result in incompatible land uses.
B. Would the project conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?  

**No Impact.**

The project area is currently developed as a single family residential neighborhood within an urbanized portion of the City of Banning. The purpose of the proposed General Plan Amendment, Zone Change and Zone Text Amendment will change the land use designation from Industrial (I) to Low Density Residential (LDR) and Very Low Density Residential (VLRD)(with an 80,000 square foot minimum lot size) to reflect the existing residential land uses and single family residential character. As a result, the General Plan Land Use Map and Zoning Map will be consistent with the current and planned land uses. Additionally, on December 11, 2014, the Riverside County Airport Land Use Commission approved the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan. Therefore, there will not be an impact on the City’s or regional land use plans, policies or regulations.

C. Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?  

**No Impact.**

The project will not conflict with any conservation plan. Future development within the project area may be required to comply with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the plan. The purpose of the plan is to protect the existing character of the City and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP. As a result, no impacts on habitat conservation plans or natural community conservation plans will occur.

**Checklist Item XI: MINERAL RESOURCES.**

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

**No Impact.**

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board designated on a map Sector G, two parcels covering parts of the San Gorgonio River alluvial fan, east of the City of Banning as a Significant Construction Aggregate Resource. Sector G extends from the mouth of Banning Canyon, southeastward to the community of Cabazon. No other area in the vicinity of the City of Banning is designated a Significant Construction Aggregate Resource. The project area is not located within this area; and, therefore no significant mineral resource will be affected by the proposed project.
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? 
No Impact.

The resources and materials to be used in future construction will not include any materials that are considered rare or unique. Therefore, the proposed project will not result in any significant adverse effects on mineral resources in the region.

Checklist Item XII: NOISE.

A. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
No Impact.

Applicable noise regulations are contained in the City's General Plan Noise Element and Municipal Code. Additionally, Federal Aviation Administration noise standards apply as the project area is within the vicinity of the Banning Municipal Airport. The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (db). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Exhibit III-27 of the GP identifies that the project area is located beyond the existing noise contour of 55 dBA from the Banning Municipal Airport. Since the project area is farther away than the 55 dBA noise contour, existing noise from the Banning Municipal Airport is not a factor. Additionally, the determination from ALUC did not include requirements for noise reduction as any noise impacts associated with the airport traffic pattern are not considered significant because most of the project uses take place within the proposed structures. Therefore, no significant adverse impacts are anticipated.

B. Would the project result in exposure of people to or generation of excessive ground-borne noise levels?
No Impact.

The residential uses within the project area are considered to be noise-sensitive land uses. Certain activities are particularly sensitive to noise. These include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration. No major stationary noise sources are located in the immediate area. As a result, no significant adverse impacts are anticipated.

C. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
No Impact.

The results of the traffic noise analysis show that there will not be a significant increase in noise levels due to the traffic generated by the proposed project. Noise level increases on the adjacent streets would be below 1.0 dBA. Generally, the range for a change in noise levels being perceptible is 3.0 dBA to 5.0 dBA. It typically requires a doubling of traffic to result in a perceptible increase in traffic noise. As a result, no significant adverse impacts are anticipated.
D. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact.

Noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels. However, the construction noise would subside once construction of a particular project is completed. Although construction noise represents a short-term impact on ambient noise levels, noise generated by construction equipment and construction activities can reach high levels (between 70 dBA and 90 dBA) 50 feet from the noise source. Construction equipment noise comes under the control of the EPA's Noise Control Program (Part 204 of Title 40, Code of Federal Regulations). The proposed project does not involve construction. As a result, no significant adverse impacts are anticipated.

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?

No Impact.

The project is located within Airport Compatibility D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 11, 2014, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan with no conditions of approval related to requirements for noise reduction.

F. Within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact.

The project area is not near a private airstrip. As a result, the proposed project will not expose persons to noise from operations at any private airport in the area.

Checklist Item XIII: POPULATION AND HOUSING.

A. Would the project induce substantial population growth in an area, either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

No Impact.

The California Department of Finance (DOF) estimated the City's population in January 2013 to be 30,170 persons. According to the same DOF figures, there are 12,149 housing units located in the City. The DOF also estimates that there are 2.61 persons per household. There are a total of eighteen (18) properties within the project area. Three (3) of the properties are currently vacant. These three (3) properties may be potentially developed with a single family residence which could possibly add approximately 9 total new residents. This minimal population growth will not lead to an increased demand for goods and services. Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area, such as utilities, improved roadways, and expanded public services. Future residential infill development within the project area will not result in any negative growth inducing impacts. As a result, no significant adverse growth-inducing impacts will result.
B. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact.

The existing residential zoning within the project area will be maintained. As a result, the proposed project will not involve the removal of any units and no displacement of existing housing units will result.

C. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact.

As indicated in the preceding section, no housing units will be displaced as part of the proposed project’s implementation. As a result, no persons will be displaced as part of the project’s implementation and no replacement housing will be required.

Checklist Item XIV: PUBLIC FACILITIES.

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: fire protection services?

Less than Significant Impact.

Fire Services are provided through a contract with CalFire. They maintain Fire Station number 89 located at 172 N. Murray Street that houses an engine and 3 personnel. The Fire department’s review of the project has determined that adequate facilities exist in the vicinity of the project area (and if needed, in conjunction with other fire facilities in the service area) to maintain the required service ratios and response times mandated by the General Plan. No new or altered fire facilities are required to meet the required service ratios and response times. Additionally, a Fire Facilities Development Fee will be collected for the provision of capital facilities for fire services which provides for future facilities as the City develops. Based on the above analysis, the impacts to fire services are considered Less Than Significant Impact.

B. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: Police protection?

Less than Significant Impact.

The General Plan requires a level of service goal of 2.0 sworn officers per 1000 residents. A review of the project area by the Police Department determined that no new or altered facilities would be required to maintain the level of service goal. Additionally, a Police Facilities Development Fee will be collected for the provision of capital facilities for police services which provides for future facilities as the City develops. Based on the above analysis, the impacts to police services are considered Less Than Significant Impact.
C. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: School services?

No Impact.

The project site is located within the service area of the Banning Unified School District. The proposed project is not anticipated to affect school enrollments since the net residential density will not be increased. In addition, the new development will be required to pay the mandatory school district development fees. As a result, there will be no impact on school facilities.

D. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: Parks?

No Impact.

The project area is located approximately one-quarter miles north of Lions Park. No new or altered parks are required to provide park services to the project area. Additionally, a Park Land Development Fee will be collected for the provision of new parks which provides for future facilities as the City develops. Based on the above analysis, there will be no impacts to parks.

E. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: Other governmental services?

No Impact.

The City’s library system includes the library located at 21 W. Nicolet Street and is funded through as a special Riverside County tax district. Based on library usage, the existing library is considered adequate to provide services for the City and any visitors. No new or altered library facilities are needed at this time. Based on the above analysis, there will be no impacts to libraries.

Checklist Item XV: RECREATION.

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

No Impact.

The project of and by itself does not result in the need for new recreation facilities because the overall ratio of 5 acres of parkland per 5,000 residents is maintained even with addition of the project. There is no requirement to alter or provide additional facilities for recreation as the project provides transient services in support of local recreation. As a result, no impacts related to the demand on local parks and recreation facilities will occur as part of the proposed project’s implementation.
B. *Would the project affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

No Impact.

The proposed project will not affect existing park facilities in the City. No parks are located adjacent to the site of the project area. As a result, no impact on local parks and recreation facilities will result from the proposed project’s implementation.

**Checklist Item XVI: TRANSPORTATION/TRAFFIC.**

A. *Would the project 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, highways and freeways, pedestrian and bicycle paths, and mass transit?*

No Impact.

The City’s General Plan Circulation Element established a threshold of a Level of Service (LOS) D for the City’s roadway system. Through an analysis of the existing roadway system in relationship to the project area, the intersection of Lincoln Street and Hargrave Street is the closest monitored intersection. Lincoln Street has an existing average daily traffic volume of approximately 2,650 vehicle trips. A “LOS D” for Lincoln Street, as a Major Highway, is 34,200 vehicle trips. Hargrave Street has an existing average daily traffic volume of approximately 4,992 vehicle trips. A “LOS D” for Hargrave Street, as a Secondary Highway, is 27,000 vehicle trips. The existing traffic volume on Lincoln Street is at approximately 8% capacity. The existing traffic volume on Hargrave Street is at approximately 18% capacity. Therefore, there will not be an impact to the City’s circulation system.

B. *Would the project 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?*

No Impact.

The Riverside County Transportation Commission is the Congestion Management Agency for Riverside County. The proposed project will not conflict with the Congestion Management Program because there will not be a significant increase in traffic. Therefore, there will be no impact.
C. Would the project 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?
   No Impact.

The project area is located within an area where housing development is allowed by the Riverside County Airport Land Use Commission (ALUC) for the Banning Municipal Airport, and is located within Airport Compatibility D of the ALUC Land Use Compatibility Plan. On December 11, 2014, the ALUC determined the project is consistent with the Airport Land Use Compatibility Plan. The review did not identify any items that would affect air traffic patterns and therefore the impact to air traffic patterns is not considered significant. As a result, there will be no impact.

D. Would the project substantially increase hazards due to design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
   No Impact.

Any future roadway improvements to the adjacent streets of the project area will be reviewed for compliance with the City standards as established in the City’s Municipal Code and Zoning Code, which includes road design and standards. At this time, no roadway improvements are proposed, required or considered within the project area. Therefore, there will not be any impacts.

E. Would the project result in inadequate emergency access?
   No Impact.

The proposed project will not involve the closure of any roadway. Furthermore, the project will not impede emergency access on-site or off-site. As a result, no significant adverse impacts will result from the project’s implementation.

F. Would the project result in inadequate parking capacity?
   No Impact.

Subsequent residential development within the project area will be required to conform to the City’s parking standards of the Zoning Ordinance. Therefore, there will be no impacts.

G. Would the project conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
   No Impact.

The Banning Municipal Transit System provides a fixed route bus service along three routes within the City. Public transit service within the City of Banning is provided by the Riverside Transit Agency. The proposed project will not impact any existing bus stops. As a result, no impacts will result.
Checklist Item XVII: UTILITIES AND SERVICE SYSTEMS.

A. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact.

Impervious surfaces could lead to the presence of debris, leaves, soils, oil/grease, and other pollutants within residential driveways, patios and sidewalks. These pollutants may enter the storm drain system during periods of rainfall. Future development within the project area will be required to implement storm water pollution control measures and to obtain storm water runoff permits pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements. Given the character of the project area, there is not likely to be a significant net increase in the amount of storm water runoff.

B. Would the project 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 impacts?

No Impact.

The future developments within the project area 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 future developments within the project area will not require or result in the construction or expansion of new water or waste water treatment facilities off-site. Therefore, there will not be an impact on water and wastewater facilities.

C. Would the project 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?

No Impact.

The future residential developments within the project area will be characterized as “in-fill development” within an urbanized portion of the City of Banning. Such future developments will be required to prevent flooding and impacts to the adjacent properties. The future developments will also be required to tie into the City’s storm drain system. The City shall review the storm drain system plan in detail to ensure that it meets the requirement of the Municipal Code. Therefore, there will not be an impact on storm water facilities.

D. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No 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, Cabazon, and Beaumont basins and less reliance on State imported water. The 2010 Urban Water Management Plan also includes a variety of best management practices 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 area.

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

No Impact.

No additional treatment capacity will be required as part of the proposed project's operation. Therefore, there will be no impacts on wastewater infrastructure.

F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact.

The proposed project will be required to comply with all pertinent city regulations concerning trash removal and recycling. As a result, the impacts are anticipated to be less than significant.

G. Will the project comply with federal, state, and local statutes and regulations related to solid waste?

No Impact.

The future development within the project area will be required to adhere to City and County ordinances related to waste reduction and recycling. The proposed project will not increase the amount of solid waste. Therefore, there will not be any impacts.

Checklist 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?

No Impact.

Based on the analysis contained in this Initial Study Checklist, the proposed project will not impact Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems. Thus the project would have no impact on the environment. It will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted.
B. Does the project have impacts that are individually limited, but cumulatively considerable? No Impact.

Based on the analysis contain in this Initial Study Checklist, no cumulative impacts associated with the project will significantly affect the environment. The analysis in the Initial Study Checklist demonstrated that the project is in compliance with all applicable mitigations plans. Additionally, the project would not produce impacts, that considered with the effects of other past, present, or probable future projects, would be curatively considerable because potential adverse environmental impacts were determined to be less than significant as identified in this Initial Study Checklist.

C. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? No Impact.

As discussed within this Initial Study Checklist, the project would not expose persons to adverse impacts related to air quality, seismic or geologic hazards, greenhouse gas emissions, hazards or hazardous materials, hydrology or water quality, land use and planning, noise, population or housing, or transportation or traffic hazards, and the provision of utility services to people. These impacts were identified as less than significant or no impact; and, therefore the project does not have any environmental effects which will substantial adverse effects on human being, either directly or indirectly.

7. INCORPORATION BY REFERENCE

This Initial Study is based in part on the information and analysis contained in the documents listed below. These documents are hereby incorporated by reference in their entirety into this Initial Study. Copies of all documents incorporated herein are available for review in the Community Development Department at the Banning Civic Center, 99 E. Ramsey Street, Banning, and California, 92220.

A. City of Banning General Plan

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted March 2006 and includes any amendments.

B. Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance

This document was prepared to review the environmental constraints and opportunities associated with the adoption of the Banning Comprehensive General Plan and Zoning Ordinance that was adopted March 2006. The EIR is designed to be used as an information database to facilitate the streamlining of, or tiering of the environmental review process for subsequent projects for the City.
C. City of Banning Municipal Code

The Municipal Code contains various regulations and development standards that govern use and development of properties within the City. The Zoning Ordinance was adopted in March 2006.

D. City of Banning Local Procedures for Complying with CEQA

These procedures identify how the City implements CEQA and the State CEQA Guidelines. These local procedures were put into effect in order to comply with Section 15022 of the State CEQA Guidelines.

E. Multi-Species Habitat Conservation Plan (MSHCP)

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on Conservation of species and their associated Habitats in Western Riverside County.

F. Riverside County Airport Land Use Commission (ALUC)

The Riverside County Airport Land Use Commission (ALUC) for the Banning Municipal Airport letter, dated January 5, 2015, approving the determination that General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Planed the project is consistent with the Airport Land Use Compatibility Plan.

8. LIST OF PREPARERS

Listed below are the persons who prepared or participated in the preparation of the Initial Study:

Project Manager: Oliver Mujica, Contract Planner

Reviewed by: Brian Guillot, Acting Community Development Director
EXHIBIT A

(Vicinity Map)
General Plan Amendment No. 14-2501 and Zone Change No. 14-3501
Southeast Corner of Barbour Street and Hargrave Street

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.
EXHIBIT B

(Project Study Area Map – Existing Land Use Designations)
EXHIBIT C

(Project Study Area Map – Proposed Land Use Designations)
General Plan Amendment No. 14-2501, Zone Change No. 14-3501 & Zone Text Amendment No. 15-97501

PROJECT STUDY AREA - PROPOSED LAND USE DESIGNATIONS

Legend

Zoning
- Airport Industrial
- Business Park
- Downtown Commercial
- General Commercial
- High Density Residential (11-1)
- Highway Serving Commercial
- Industrial
- Industrial-Mineral Resources
- Low Density Residential (0-5 d
- Medium Density Residential (0-
- Mobile Home Parks
- Open Space - Hillside Preserve
- Open Space - Parks
- Open Space - Resources
- Professional Office
- Public Facilities - Airport
- Public Facilities - Cemetery
- Public Facilities - Fire Station
- Public Facilities - Government
- Public Facilities - Hospital
- Public Facilities - Railroad/J
- Public Facilities - School
- Ranch Residential (0-1 du/ac)
- Ranch Residential - Hillside
- Ranch/Agriculture (10 ac min.)
- Ranch/Agriculture - Hillside
- Very Low Density Residential

Zoning Overlays

1" = 376 ft
Prepared By: O. Mujica
01/13/2015

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.
ATTACHMENT 4
Aerial Map depicting the eighteen (18) properties
ATTACHMENT 5
Existing Zoning
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.
ATTACHMENT 6
Proposed Zoning
ATTACHMENT 7
Public Hearing Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

January 16, 2015

Executed on: 01/16/2015
At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature
ATTACHMENT 8
Mailing Labels
Affidavit

I, Sandra Calderon, certify that the Notice of Intent to Adopt an Initial Study/Negative Declaration and Hold a Public Hearing for the Proposed General Plan Amendment No. 14-2501 and Zone Change No. 14-3501 and Zone Text Amendment No. 15-97501 Southeast Corner of Barbour Street and Hargrave Street to be heard before the City of Banning Planning Commission, on Wednesday, February 4, 2015 at 6:30 p.m., was mailed on Tuesday, January 13, 2015 to properties within a 300’ radius as shown in the attached.

Sandra Calderon
Development Project Coordinator

Date: 1-13-15
<table>
<thead>
<tr>
<th>RW</th>
<th>0</th>
</tr>
</thead>
</table>
| 54128019 | ROBERT RICHEY  
2331 CLIFF DR  
NEWPORT BEACH CA 92663 |
| 54320017 | THOMAS FELIX  
0 |
| 54132010 | CARL MORRIS  
1166 N 4TH ST  
BANNING CA 92220 |
| 541273012 | ELSA MACIAS  
1224 S HATHAWAY ST  
BANNING CA 92220 |
| 54420037 | VERNER BURGIN  
837 E BARBOUR ST  
BANNING CA 92220 |
| 54128008 | JOSE SANCHEZ  
0 |
| 54323011 | MANUEL PEREZ  
0 |
| 54128006 | JESUS LERMA  
0 |
| 54128004 | GERALDINE WILLIS  
P O BOX 1242  
BANNING CA 92220 |
| 54128020 | JAMIE MEDVEDEFF  
0 |
| 541280030 | RICKEY PIPPENGER  
2553 W WESTWARD AVE  
BANNING CA 92220 |
| 54128024 | ANGELA HUGHES  
0 |
| 541280005 | TIMOTHY SALAS  
0 |
| 54128009 | BESSIE BURGIN  
0 |
| 541280011 | THOMAS BURNEY  
0 |
| 54128025 | SPSSM INVESTMENTS VI  
4900 SANTA ANITA STE 2C  
EL MONTE CA 91731 |
| 54132014 | FRANCISCO CHAVEZ  
1289 W NICOLET ST  
BANNING CA 92220 |
| 54320016 | GUADALUPE BEAM  
13856 MEADOW VIEW LN  
YUCAIPA CA 92399 |
| 54320008 | CITY OF BANNING  
P O BOX 995  
BANNING CA 92220 |
| 54132015 | JOSPEH MENTZ  
0 |
| 543280008 | RW  
0 |
541280011
JOHN PRENDERGAST
46025 E HWY 60 70
SALOME AZ 85348

541280031
RICKEY PIPPENGEO
2553 W WESTWARD AVE
BANNING CA 92220

541310023
DAGNINO FAMILY LIVING TRUST
0

541310021
KARINA FRANCO
7255 BAYMEADOWS WAY
JACKSONVILLE FL 32256

541320006
JUNE WAGNER
0

541320012
KRYSTAL CRUZ
300 S HIGHLAND SPRING 6C
BANNING CA 92220

541320018
GABRIEL MANZANO
0

541320005
CR & R INC
11292 WESTERN AVE
STANTON CA 90680

541320009
HORACIO HERNANDEZ
0

541280008
LARRY JAMES
3254 SWEETWATER DR
ONTARIO CA 91761

541320018
JOSEPH OLVERA
0

541280015
RICHARD WHEELER
0

541320007
ANGELICA GAMBOA
3466 BADLEY DR
MIRA LOMA CA 91752

541320010
JUNE WAGNER
0

541280005
JIM MACIAS
1984 PARK DR
Palm Springs CA 92262

541320002
VERNEIL SEALS
P O BOX 1544
BANNING CA 92220

541320005
NANCY MILLS
PO BOX 2850
BIG BEAR CITY CA 92314

541320011
RONALD MORRIS
12226 CHINABERRY ST
YUCAIPA CA 92399

541290012
HALE FAMILY BANNING PROP
19200 S REYES AVE
COMPTON CA 90221

541273011
JIM MACIAS
1984 PARK DR
Palm Springs CA 92262

541310020
KARINA FRANCO
0

541320020
LARRY LARSON
9053 LEWIS RD
WARRENTON OR 97146

541320001
JOSEPH SMITH
0

5413090003
ILSON VELARDE
1760 N SAN GORGONIO
BANNING CA 92220

541320003
ANA MUNOZ
0

541280010
RW
0
541 280 009
Bessie Ann Bargin
837 E Barbour St
Banning, CA 92220

541 280 020
Jamie Modvedeff
1103 E Barbour St
Banning, CA 92220

541 310 020
Karina Franco
621 S Hargrave St
Banning, CA 92220

541 310 023
Dagnino Family & Mary Dagnino
785 S Hargrave St
Banning, CA 92220

541 320 009
Ana Munoz
780 S Hargrave St
Banning, CA 92220

541 320 013
Joseph Smith
1060 E Barbour St
Banning, CA 92220

541 320 018
Gabriel Manzano
1190 E Barbour St
Banning, CA 92220

543 230 004
Sam Charthachak
973 Driftwood Cir
Banning, CA 92220

543 230 007
Thomas Felix
949 Driftwood Cir
Banning, CA 92220

543 230 010
Manuel Perez
932 Driftwood Cir
Banning, CA 92220

541 280 016
John Roche
1047 E Barbour St
Banning, CA 92220

541 280 024
Angela Flores Hughes
545 S Juarez St
Banning, CA 92220

541 310 022
Maria Torres
657 S Hargrave St
Banning, CA 92220

541 310 023
Dagnino Family & Mary Dagnino
785 S Hargrave St
Banning, CA 92220

541 320 013
Joseph Smith
1060 E Barbour St
Banning, CA 92220

541 320 018
Gabriel Manzano
1190 E Barbour St
Banning, CA 92220

543 230 005
Timothy Lee Salas
965 Driftwood Cir
Banning, CA 92220

543 230 008
Jose Luis Sanchez
941 Driftwood Cir
Banning, CA 92220

543 230 009
Horacio Hernandez
933 Driftwood Cir
Banning, CA 92220

541 280 018
Joseph Estrada Olivera
1073 E Barbour St
Banning, CA 92220

541 280 027
Tony Ortega
562 S Hargrave St
Banning, CA 92220

541 320 006
Jesus Lerman
720 S Hargrave St
Banning, CA 92220

543 090 004
Michale Casse & Ingebo Graves-Gordo
981 Charles St
Banning, CA 92220

543 230 006
June Wagner
957 Driftwood Cir
Banning, CA 92220
DATE: February 4, 2015

TO: Planning Commission

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503 FOR TWELVE (12) PROPERTIES LOCATED NORTH OF GILMAN STREET WEST OF 8TH STREET

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2015-02 (Attachment 1):

I. Recommending to the City Council the adoption of the Initial Study/Negative Declaration (Attachment 2) for the subject project; and

II. Recommending to the City Council the adoption of General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

APPLICANT INFORMATION:

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

On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map. The Community Development Element of the City’s General Plan establishes the land use designations for all properties within the City of Banning and in doing so Gilman Ranch Regional Park was identified as “open space.”

On September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving the land area contained within Tentative Tract Map No. 33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification.

DISCUSSION/ANALYSIS:

The City of Banning is proposing to amend the General Plan land use designations and Zoning classifications for an area containing a total of approximately 92.85 acres which is comprised of portions of Gilman Ranch Regional Park (approximately 71.09 acres) and portions of Tentative Tract Map No. 33540 (approximately 21.76 acres). The General Plan land use designations and Zoning classifications for certain portions of the parcels contained within Gilman Ranch Regional Park are proposed to be amended from Ranch/Agriculture - Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P); and, the General Plan land use designations and Zoning classifications for certain parcels contained within Tentative Tract Map No. 33540 are proposed to be amended from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR). The proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of Tentative Tract Map No. 33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps.
The total land area of Gilman Ranch Regional Park is approximately 124.51 acres. Of this total land area, approximately 71.09 acres will be amended by this proposed General Plan Amendment and Zone Change. The total land area of Tentative Tract Map No. 33540 is approximately 65 acres; however, the total land area of the affected properties is approximately 45.08 acres. Of this total land area, approximately 21.76 acres will be amended by this proposed General Plan Amendment and Zone Change. The table below provides a summary of the properties that are subject to the proposed General Plan Amendment and Zone Change.

<table>
<thead>
<tr>
<th>APN</th>
<th>Property Owner</th>
<th>Land Area</th>
<th>Amended Area</th>
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<tbody>
<tr>
<td>535-060-008</td>
<td>Regional Park &amp; Open Space District</td>
<td>48.26 acres</td>
<td>43.23 acres</td>
</tr>
<tr>
<td>535-070-023</td>
<td>Regional Park &amp; Open Space District</td>
<td>40.00 acres</td>
<td>3.22 acres</td>
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<tr>
<td>535-070-038</td>
<td>Regional Park &amp; Open Space District</td>
<td>36.25 acres</td>
<td>24.64 acres</td>
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<td><strong>Gilman Ranch Regional Park Total</strong></td>
<td></td>
<td><strong>124.51 acres</strong></td>
<td><strong>71.09 acres</strong></td>
</tr>
<tr>
<td>535-070-014</td>
<td>Vintage Pacific</td>
<td>10.50</td>
<td>9.25 acres</td>
</tr>
<tr>
<td>535-070-025</td>
<td>Vintage Pacific</td>
<td>0.67</td>
<td>0.22 acres</td>
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<tr>
<td>535-110-002</td>
<td>Vintage Pacific</td>
<td>9.81</td>
<td>1.52 acres</td>
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<tr>
<td>535-110-011</td>
<td>Vintage Pacific</td>
<td>23.15</td>
<td>9.82 acres</td>
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<tr>
<td>535-311-014</td>
<td>Vintage Pacific</td>
<td>0.19 acres</td>
<td>0.19 acres</td>
</tr>
<tr>
<td>535-311-015</td>
<td>Vintage Pacific</td>
<td>0.19 acres</td>
<td>0.19 acres</td>
</tr>
<tr>
<td>535-311-016</td>
<td>Vintage Pacific</td>
<td>0.19 acres</td>
<td>0.19 acres</td>
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<tr>
<td>535-311-018</td>
<td>Vintage Pacific</td>
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<td>0.19 acres</td>
</tr>
<tr>
<td><strong>TTM33540 Total</strong></td>
<td></td>
<td><strong>45.08 acres</strong></td>
<td><strong>21.76 acres</strong></td>
</tr>
</tbody>
</table>

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park as open space. Subsequently, in March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Open Space – Parks (OS-P) will preserve Gilman Ranch Regional Park.

The City Council’s approval of Tentative Tract Map No. 33540, on September 26, 2006, approved the subdivision to create 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way). General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Low Density Residential (LDR) will reflect the appropriate General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540.
ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 are considered a “project.” CEQA defines a “project” as an activity that may have a potential for resulting in either a direct or indirect significant effects on the environment. General plan amendments and zone changes are defined as “projects” because they typically involve the adoption of land use policies that involves the potential future land use and/or development of properties. Therefore, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is a “project” due to the fact that the proposal involves the change of the General Plan land use designations and Zoning classifications for certain portions of three (3) properties contained within the Gilman Ranch Regional Park from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and for certain portions of nine (9) properties contained within approved Tentative Tract Map No. 33540 from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR) which in turn changes the manner in which the subject twelve (12) properties may be used and developed.

The findings of the Initial Study/Negative Declaration are that General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 could not have a significant effect on the environment. In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for the mandatory 20-day public review period from commencing on January 9, 2015.

Multiple Species Habitat Conservation Plan (MSHCP)
General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 do not relate to any one physical development 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.

Senate Bill (SB) 18 – Tribal Consultation
Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseño Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseño Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Dessert Cahuilla Indians.
REQUIRED FINDINGS OF APPROVAL FOR GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503:

The California Government Code and the City of Banning Zoning Ordinance require that General Plan Amendments and Zone Changes meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The following findings are provided in support of the approval of the General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Finding No. 1: The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 are internally consistent with the General Plan.

Findings of Fact: The City of Banning General Plan Land Use and Zoning Overlay Map depicts certain portions (totaling approximately 71.09 acres) of three (3) properties contained within Gilman Ranch Regional Park with Ranch/Agriculture- Hillside (RA-H) and Low Density Residential (LDR) designations/classifications and certain portions (totaling approximately 21.76 acres) of nine (9) properties contained within approved Tentative Tract Map No. 33450 with Ranch/Agriculture – Hillside (RA-H), Open Space – Parks (OS-P) and Very Low Density Residential (VLDR) designations/classifications. The proposed General Plan Amendment and Zone Change will amend the General Plan land use designations and Zoning classifications for the three (3) properties within Gilman Ranch Regional Park (APN: 535-060-008, 535-070-023 and 535-070-038) located north of Wilson Street between 16th Street and 20th Street to Open Space – Parks (OS-P) and certain portions for the nine (9) properties within Tentative Tract Map No. 33540 (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) located north of Gilman Street west of 8th Street to Low Density Residential (LDR).

On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map. The Community Development Element of the City’s General Plan establishes the land use designations for all properties within the City of Banning and in doing so Gilman Ranch Regional Park was identified as “open space.”

On August 28, 1976, the United States Department of the Interior –
National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park as open space. On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Open Space – Parks (OS-P) will preserve Gilman Ranch Regional Park as an open space land use.

On September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving Tentative Tract Map No. 33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Low Density Residential (LDR) will reflect the appropriate General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540.

The subject properties under proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 have been reviewed against the development standards for Open Space – Parks (OS-P) for Gilman Ranch Regional Park and Low Density Residential (LDR) for Tentative Tract Map No. 33540 land uses within the City of Banning Zoning Ordinance for internal consistency within all of the General Plan element’s text, diagrams, and maps and it has been determined 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 City’s General Plan. Therefore, proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 will make the land uses for Gilman Ranch Regional Park and Tentative Tract Map No. 33540 consistent with City’s General Plan and Zoning Ordinance.
Finding No. 2: The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Findings of Fact: The General Plan Goal 1 for Open Space and Conservation states, “The conservation and management of open spare areas to provide recreational opportunities and protect important resources in perpetuity.” General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); and on September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540. Additionally, on August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places. On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. Proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 provides for the preservation of Gilman Ranch Regional Park as open space and conformance with approved Tentative Tract Map No. 33540. Furthermore, an Initial Study/ Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period commencing on January 9, 2015.

With regard to the compatibility with the existing surrounding land uses and neighborhoods, the proposed General Plan land use designations and Zoning classifications for Gilman Ranch Regional Park and Tentative Tract Map No. 33540 will make the properties consistent and compatible with the existing surrounding land uses and neighborhoods.

Therefore, proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
Finding No. 3: The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would maintain the appropriate balance of land uses within the City.

Findings of Fact: The overall land area of Gilman Ranch Regional Park is approximately 124.51 acres. However, of the approximate 124.51 acres, approximately 57% (approximately 71.09 acres) is depicted with General Plan land use designations and Zoning classifications of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should be a General Plan land use designation and Zoning classification of Open Space – Parks (OS-P) as with the remainder of Gilman Ranch Regional Park. The overall land area of approved Tentative Tract Map No. 33540 is approximately 65 acres. However, of the approximate 65 acres, approximately 33% (21.76 acres) is depicted with General Plan land use designations and Zoning classifications of Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should have been a General Plan land use designation and Zoning classification of Low Density Residential (LDR) as with the remainder of approved Tentative Tract Map No. 33540. The proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of Tentative Tract Map No. 33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps. Therefore, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 will maintain the appropriate balance of land uses within the City.

Finding No. 4: With regard to the General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to the General Plan Land Use, the subject properties are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park as “open space.” Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Open Space – Parks (OS-P) for Gilman Ranch Regional Park by proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

During the discretionary review and approval process for Tentative Tract Map No. 33540, it was determined that the subject site was physically suitable to accommodate the residential subdivision and that the residential subdivision was designed to accommodate the 172 single family residential dwelling units considering the site configuration,
physical characteristics, topography and existing and proposed infrastructure improvements. Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Low Density Residential (LDR) for Tentative Tract Map No. 33540 by proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

**PUBLIC COMMUNICATION**

The proposed General Plan Amendment and Zone Change was advertised in the Record Gazette newspaper on January 9, 2015. Additionally, a Notice of Public Hearing and Notice of Intent to Adopt an Initial Study/Negative Declaration was transmitted to the Riverside County Clerk-Recorder for posting on January 9, 2015 to commence the required 20-day public review period, pursuant to the requirements of the California Environmental Quality Act. 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 twelve (12) properties that are subject to the proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 and also mailed to the surrounding property owners that are located within a 300’ radius of the subject properties under this proposal.

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following action:

1. Adoption of Planning Commission Resolution No. 2015-02:
   a. Recommending to the City Council the adoption of the Initial Study/Negative Declaration (Attachment 2) for General Plan Amendment No. 14-2503 and Zone Change No. 14-3503; and
   b. Recommending to the City Council the adoption General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to change the General Plan land use designations and Zoning classifications for certain portions of three (3) properties (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park located north of Wilson Street between 16th Street and 20th Street from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and for certain portions of nine (9) properties (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within approved Tentative Tract Map No. 33540 located north of Gilman Street west of 8th Street from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR).
Attachments:

1. Resolution No. 2015-02
2. Draft Ordinance No. 1485
3. Initial Study/Negative Declaration
4. Aerial Map depicting the twelve (12) properties
5. Existing Zoning
6. Proposed Zoning
7. Public Hearing Notice
8. Mailing Labels
ATTACHMENT 1
PC Resolution No. 2015-02
RESOLUTION NO. 2015-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF INITIAL STUDY/NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503 RELATING TO GENERAL PLAN LAND USE AND ZONE CHANGE FOR TWELVE (12) PROPERTIES THAT ARE LOCATED NORTH OF GILMAN STREET WEST OF 8th STREET

WHEREAS, the General Plan land use designations and Zoning classifications for certain portions of three (3) properties (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park located north of Wilson Street between 16th Street and 20th Street is currently Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is inconsistent with the intended Open Space – Parks (OS-P) General Plan land use designation and Zoning classification for Gilman Ranch Regional Park; and

WHEREAS, the General Plan land use designations and Zoning classifications for certain portions of nine (9) properties (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within approved Tentative Tract Map No. 33540 located north of Gilman Street west of 8th Street is currently Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) which is inconsistent with the intended Low Density Residential (LDR) General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540; and

WHEREAS, on January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map. The Community Development Element of the City’s General Plan establishes the land use designations for all properties within the City of Banning and in doing so Gilman Ranch Regional Park was identified as “open space;” and

WHEREAS, On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park as open space. Subsequently, in March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park; and
WHEREAS, the overall land area of Gilman Ranch Regional Park is approximately 124.51 acres. However, of the approximate 124.51 acres, approximately 57% (approximately 71.09 acres) is depicted with General Plan land use designations and Zoning classifications of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should be a General Plan land use designation and Zoning classification of Open Space – Parks (OS-P) as with the remainder of Gilman Ranch Regional Park. On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park; and

WHEREAS, on September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving the land area contained within Tentative Tract Map No. 33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification; and

WHEREAS, the overall land area of approved Tentative Tract Map No. 33540 is approximately 65 acres. However, of the approximate 65 acres, approximately 33% (21.76 acres) is depicted with General Plan land use designations and Zoning classifications of Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) which is contrary and inconsistent with what should have been a General Plan land use designation and Zoning classification of Low Density Residential (LDR) as with the remainder of approved Tentative Tract Map No. 33540; and

WHEREAS, the proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of Tentative Tract Map No. 33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps; 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 commencing on January 9, 2015; and
WHEREAS, on January 9, 2015, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Initial Study/Negative Declaration, General Plan Amendment No. 14-2503 and Zone Change No.14-3503. Additionally, a Notice of Public Hearing and Notice of Intent to Adopt an Initial Study/Negative Declaration was transmitted to the Riverside County Clerk-Recorder for posting on January 9, 2015 to commence the required 20-day public review period, pursuant to the requirements of the California Environmental Quality Act. The City also 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 February 4, 2015, 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 Initial Study/Negative Declaration, General Plan Amendment No. 14-2503 and a Zone Change No.14-3503.

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

SECTION 1. ENVIRONMENTAL FINDINGS:

The following environmental findings are made and supported by substantial evidence on the record before the Commission, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 are considered a “project.” CEQA defines a “project” as an activity that may have a potential for resulting in either a direct or indirect significant effects on the environment. General plan amendments and zone changes are defined as “projects” because they typically involve the adoption of land use policies that involves the potential future land use and/or development of properties. Therefore, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is a “project” due to the fact that the proposal involves the change of the General Plan land use designations and Zoning classifications for certain portions of three (3) properties contained within the Gilman Ranch Regional Park from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and for certain portions of nine (9) properties contained within approved Tentative Tract Map No. 33540 from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR) which in turn changes the manner in which the subject twelve (12) properties may be used and developed.

The findings of the Initial Study/Negative Declaration are that General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 could not have a significant effect on the environment. In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for the mandatory 20-day public review period commencing on January 9, 2015.
Multiple Species Habitat Conservation Plan (MSHCP)

General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 do not relate to any one physical development 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.

Senate Bill (SB) 18 – Tribal Consultation

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Dessert Cahuilla Indians.

SECTION 2. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503:

The California Government Code and the City of Banning Zoning Ordinance require that General Plan Amendments and Zone Changes meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the General Plan Amendment No. 14-2503 and Zone Change No. 14-3503:

Finding No. 1: The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 are internally consistent with the General Plan.

Findings of Fact: The City of Banning General Plan Land Use and Zoning Overlay Map depicts certain portions (totaling approximately 71.09 acres) of three (3) properties contained within Gilman Ranch Regional Park with Ranch/Agriculture- Hillside (RA-H) and Low Density Residential (LDR) designations/classifications and certain portions (totaling approximately 21.76 acres) of nine (9) properties contained within approved Tentative Tract Map No. 33450 with Ranch/Agriculture – Hillside (RA-H), Open Space – Parks (OS-P) and Very Low Density Residential (VLDR) designations/classifications. The proposed General Plan Amendment and Zone Change will amend the General Plan land use designations and Zoning classifications for the three (3) properties within Gilman Ranch Regional Park (APN: 535-060-008, 535-070-023 and 535-070-038) located north of Wilson Street between 16th Street and 20th Street to Open Space – Parks (OS-P) and certain portions for the nine (9) properties within Tentative Tract Map No. 33540 (APN: 535-070-014, 535-070-025,
On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map. The Community Development Element of the City’s General Plan establishes the land use designations for all properties within the City of Banning and in doing so Gilman Ranch Regional Park was identified as “open space.”

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park as open space. On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Open Space – Parks (OS-P) will preserve Gilman Ranch Regional Park as an open space land use.

On September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving Tentative Tract Map No. 33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Low Density Residential (LDR) will reflect the appropriate General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540.
The subject properties under proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 have been reviewed against the development standards for Open Space – Parks (OS-P) for Gilman Ranch Regional Park and Low Density Residential (LDR) for Tentative Tract Map No. 33540 land uses within the City of Banning Zoning Ordinance for internal consistency within all of the General Plan element’s text, diagrams, and maps and it has been determined 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 City’s General Plan. Therefore, proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 will make the land uses for Gilman Ranch Regional Park and Tentative Tract Map No. 33540 consistent with City’s General Plan and Zoning Ordinance.

Finding No. 2:
The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Findings of Fact:
The General Plan Goal 1 for Open Space and Conservation states, “The conservation and management of open spare areas to provide recreational opportunities and protect important resources in perpetuity.” General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); and on September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540. Additionally, on August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places. On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. Proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 provides for the preservation of Gilman Ranch Regional Park as open space and conformance with approved Tentative Tract Map No. 33540. Furthermore, an Initial Study/ Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would not have any significant impacts on the environment. The Initial Study/
Negative Declaration was made available for the required 20-day public review period from January 12, 2015 through February 2, 2015.

With regard to the compatibility with the existing surrounding land uses and neighborhoods, the proposed General Plan land use designations and Zoning classifications for Gilman Ranch Regional Park and Tentative Tract Map No. 33540 will make the properties consistent and compatible with the existing surrounding land uses and neighborhoods.

Therefore, proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

**Finding No. 3:**

The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would maintain the appropriate balance of land uses within the City.

**Findings of Fact:**

The overall land area of Gilman Ranch Regional Park is approximately 124.51 acres. However, of the approximate 124.51 acres, approximately 57% (approximately 71.09 acres) is depicted with General Plan land use designations and Zoning classifications of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should be a General Plan land use designation and Zoning classification of Open Space – Parks (OS-P) as with the remainder of Gilman Ranch Regional Park. The overall land area of approved Tentative Tract Map No. 33540 is approximately 65 acres. However, of the approximate 65 acres, approximately 33% (21.76 acres) is depicted with General Plan land use designations and Zoning classifications of Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should have been a General Plan land use designation and Zoning classification of Low Density Residential (LDR) as with the remainder of approved Tentative Tract Map No. 33540. The proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of Tentative Tract Map No. 33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps. Therefore, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 will maintain the appropriate balance of land uses within the City.
Finding No. 4: With regard to the General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to the General Plan Land Use, the subject properties are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park as “open space.” Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Open Space – Parks (OS-P) for Gilman Ranch Regional Park by proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

During the discretionary review and approval process for Tentative Tract Map No. 33540, it was determined that the subject site was physically suitable to accommodate the residential subdivision and that the residential subdivision was designed to accommodate the 172 single family residential dwelling units considering the site configuration, physical characteristics, topography and existing and proposed infrastructure improvements. Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Low Density Residential (LDR) for Tentative Tract Map No. 33540 by proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2015-02:

   a. Recommending to the City Council the adoption of the Initial Study/Negative Declaration for General Plan Amendment No. 14-2503 and Zone Change No. 14-3503; and

   b. Recommending to the City Council the adoption of General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to change the General Plan land use designations and Zoning classifications for certain portions of three (3) properties (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park located north of Wilson Street between 16th Street and 20th Street from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and for certain portions of nine (9) properties (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within approved Tentative Tract Map No. 33540 located north of Gilman Street west of 8th Street from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR).
PASSED, APPROVED AND ADOPTED this 4\textsuperscript{th} day of February 2015.

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:

Sandra Calderon, Recording Secretary  
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-02, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of February 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft Ordinance No. 1485
ORDINANCE NO. 1485


WHEREAS, on January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map. The Community Development Element of the City’s General Plan establishes the land use designations for all properties within the City of Banning and in doing so Gilman Ranch Regional Park was identified as “open space;” and

WHEREAS, On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park as open space. Subsequently, in March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park; and

WHEREAS, the General Plan land use designations and Zoning classifications for certain portions of three (3) properties (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park located north of Wilson Street between 16th Street and 20th Street is currently Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is inconsistent with the intended Open Space – Parks (OS-P) General Plan land use designation and Zoning classification for Gilman Ranch Regional Park; and

WHEREAS, the overall land area of Gilman Ranch Regional Park is approximately 124.51 acres. However, of the approximate 124.51 acres, approximately 57% (approximately 71.09 acres) is depicted with General Plan land use designations and Zoning classifications of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should be a General Plan land use designation and Zoning classification of Open Space – Parks (OS-P) as with the remainder of Gilman Ranch Regional Park. On August 28, 1976, the United States Department of the Interior – National Parks Service certified the
inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park; and

WHEREAS, on September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving the land area contained within Tentative Tract Map No. 33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification; and

WHEREAS, the General Plan land use designations and Zoning classifications for certain portions of nine (9) properties (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within approved Tentative Tract Map No. 33540 located north of Gilman Street west of 8th Street is currently Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) which is inconsistent with the intended Low Density Residential (LDR) General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540; and

WHEREAS, the overall land area of approved Tentative Tract Map No. 33540 is approximately 65 acres. However, of the approximate 65 acres, approximately 33% (21.76 acres) is depicted with General Plan land use designations and Zoning classifications of Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) which is contrary and inconsistent with what should have been a General Plan land use designation and Zoning classification of Low Density Residential (LDR) as with the remainder of approved Tentative Tract Map No. 33540; and

WHEREAS, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of Tentative Tract Map No. 33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps; and

WHEREAS, the City Council has authority per Chapter 17.64 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the General Plan; and

WHEREAS, the City Council has authority per Chapter 17.116 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, on __________, 2015, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2015-02 recommending to the City Council the adoption of the Initial Study/Negative Declaration, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503; and
WHEREAS, on the ____ day of __________, 2015, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Initial Study/Negative Declaration, General Plan Amendment No. 14-2503 and Zone Change No. 14-3501 would be considered; and

WHEREAS, on the ____ day of __________, 2015, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the amendments, and at which time the City Council considered the Initial Study/Negative Declaration, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503; and

WHEREAS, at this public hearing on the ____ day of __________, 2015, the City Council considered and heard public comments on the Initial Study/Negative Declaration, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ____ day of __________, 2015;

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The following environmental findings are made and supported by substantial evidence on the record before the City Council, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 are considered a “project.” CEQA defines a “project” as an activity that may have a potential for resulting in either a direct or indirect significant effects on the environment. General plan amendments and zone changes are defined as “projects” because they typically involve the adoption of land use policies that involves the potential future land use and/or development of properties. Therefore, General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is a “project” due to the fact that the proposal involves the change of the General Plan land use designations and Zoning classifications for certain portions of three (3) properties contained within the Gilman Ranch Regional Park from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and for certain portions of nine (9) properties contained within approved Tentative Tract Map No. 33540 from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR) which in turn changes the manner in which the subject twelve (12) properties may be used and developed.
The findings of the Initial Study/Negative Declaration are that General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 could not have a significant effect on the environment. In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for the mandatory 20-day public review period commencing on January 9, 2015.

Multiple Species Habitat Conservation Plan (MSHCP)
General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 do not relate to any one physical development 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.

Senate Bill (SB) 18 – Tribal Consultation
Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

SECTION 2. FINDINGS FOR GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503:

The California Government Code and the City of Banning Zoning Ordinance require that General Plan Amendments and Zone Changes meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the General Plan Amendment No. 14-2503 and Zone Change No. 14-3503:

Finding No. 1: The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 are internally consistent with the General Plan.

Findings of Fact: The City of Banning General Plan Land Use and Zoning Overlay Map depicts certain portions (totaling approximately 71.09 acres) of three (3) properties contained within Gilman Ranch Regional Park with Ranch/Agriculture- Hillside (RA-H) and Low Density Residential (LDR) designations/classifications and certain portions (totaling approximately 21.76 acres) of nine (9) properties contained within approved Tentative Tract Map No. 33450 with Ranch/Agriculture – Hillside (RA-H), Open Space – Parks (OS-P) and Very Low Density Residential (VLDR) designations/classifications. The proposed General Plan Amendment and Zone Change will amend the General Plan land use designations and

On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map. The Community Development Element of the City’s General Plan establishes the land use designations for all properties within the City of Banning and in doing so Gilman Ranch Regional Park was identified as “open space.”

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). This certification preserves Gilman Ranch Regional Park as open space. On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation and Zoning classification to Open Space – Parks (OS-P) will preserve Gilman Ranch Regional Park as an open space land use.

On September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving Tentative Tract Map No. 33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification. General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to amend the General Plan land use designation
and Zoning classification to Low Density Residential (LDR) will reflect the appropriate General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540.

The subject properties under proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 have been reviewed against the development standards for Open Space – Parks (OS-P) for Gilman Ranch Regional Park and Low Density Residential (LDR) for Tentative Tract Map No. 33540 land uses within the City of Banning Zoning Ordinance for internal consistency within all of the General Plan element’s text, diagrams, and maps and it has been determined 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 City’s General Plan. Therefore, proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 will make the land uses for Gilman Ranch Regional Park and Tentative Tract Map No. 33540 consistent with City’s General Plan and Zoning Ordinance.

**Finding No. 2:** The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

**Findings of Fact:** The General Plan Goal 1 for Open Space and Conservation states, “The conservation and management of open spare areas to provide recreational opportunities and protect important resources in perpetuity.” General Plan Goal 1 for Residential Land Uses states, “Preserve and enhance the City’s neighborhoods.” On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); and on September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 33540. Additionally, on August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places. On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park. Proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 provides for the preservation of Gilman Ranch Regional Park as open space and conformance with approved Tentative Tract Map No. 33540. Furthermore, an Initial Study/ Negative Declaration was prepared
pursuant to the requirements of the California Environmental Quality Act. The Initial Study/Negative Declaration concluded that proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would not have any significant impacts on the environment. The Initial Study/Negative Declaration was made available for the required 20-day public review period from January 12, 2015 through February 2, 2015.

With regard to the compatibility with the existing surrounding land uses and neighborhoods, the proposed General Plan land use designations and Zoning classifications for Gilman Ranch Regional Park and Tentative Tract Map No. 33540 will make the properties consistent and compatible with the existing surrounding land uses and neighborhoods.

Therefore, proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 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 General Plan, City of Banning Zoning Ordinance and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

**Finding No. 3:**
The proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 would maintain the appropriate balance of land uses within the City.

**Findings of Fact:**
The overall land area of Gilman Ranch Regional Park is approximately 124.51 acres. However, of the approximate 124.51 acres, approximately 57% (approximately 71.09 acres) is depicted with General Plan land use designations and Zoning classifications of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should be a General Plan land use designation and Zoning classification of Open Space – Parks (OS-P) as with the remainder of Gilman Ranch Regional Park. The overall land area of approved Tentative Tract Map No. 33540 is approximately 65 acres. However, of the approximate 65 acres, approximately 33% (21.76 acres) is depicted with General Plan land use designations and Zoning classifications of Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) of Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) which is contrary and inconsistent with what should have been a General Plan land use designation and Zoning classification of Low Density Residential (LDR) as with the remainder of approved Tentative Tract Map No. 33540. The proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of Tentative Tract Map No. 33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps. Therefore, General Plan Amendment No. 14-
2503 and Zone Change No. 14-3503 will maintain the appropriate balance of land uses within the City.

Finding No. 4: With regard to the General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 to the General Plan Land Use, the subject properties are physically suitable for the requested land use designation(s) and the anticipated land use development(s).

Findings of Fact: On March 1979, the Riverside County Regional Parks and Open Space District purchased the 124.51 acre site and officially established the “historic” Gilman Ranch Regional Park as “open space.” Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Open Space – Parks (OS-P) for Gilman Ranch Regional Park by proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

During the discretionary review and approval process for Tentative Tract Map No. 33540, it was determined that the subject site was physically suitable to accommodate the residential subdivision and that the residential subdivision was designed to accommodate the 172 single family residential dwelling units considering the site configuration, physical characteristics, topography and existing and proposed infrastructure improvements. Based on the facts indicated in this subsection and subsections above, the subject properties are suitable for the requested Low Density Residential (LDR) for Tentative Tract Map No. 33540 by proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

SECTION 3. The Initial Study/Negative Declaration for General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is hereby adopted pursuant to the requirement of the California Environmental Quality Act.

SECTION 4. The General Plan land use designations and Zoning classifications of the three (3) properties (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park located north of Wilson Street between 16th Street and 20th Street are hereby changed from Ranch/Agriculture – Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P) and the of nine (9) properties (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within approved Tentative Tract Map No. 33540 located north of Gilman Street west of 8th Street are hereby changed from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR).
SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2015.

________________________________________
Deborah Franklin, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

________________________________________
Marie A. Calderon, City Clerk
City of Banning, California
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1469 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______ day of ____________________ 2015, and was duly adopted at a regular meeting of said City Council on the ______ day of ____________________, 2015, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

________________________
Marie A. Calderon, City Clerk
City of Banning, California
ATTACHMENT 3
Initial Study/Negative Declaration
General Plan Amendment No. 14-2503 and Zone Change No. 14-3503
Gilman Street West of 8th Street

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

January 5, 2015

Brian Guillot
Acting Community Development Director
(951) 922-3152
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<td></td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

The project area is comprised of portions of Gilman Ranch Regional Park which is located north of Wilson Street between 16th Street and 20th Street, and portions of properties contained within approved Tentative Tract Map No. 33540 (TTM33540) which is located north of Gilman Street between the Gilman Ranch Regional Park and 8th Street.

The City of Banning is proposing to amend the General Plan land use designations and Zoning classifications for an area containing a total of approximately 169.59 acres which is comprised of Gilman Ranch Regional Park (124.51 acres) and TTM33540 (45.08 acres). The General Plan land use designations and Zoning classifications for certain portions of the parcels contained within Gilman Ranch Regional Park are proposed to be amended from Ranch/Agriculture - Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P); and, the General Plan land use designations and Zoning classifications for certain parcels contained within TTM33540 are proposed to be amended from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR). The proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of TTM33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps.

The table below provides a summary of the properties that are subject to the proposed General Plan Amendment and Zone Change.

<table>
<thead>
<tr>
<th>APN</th>
<th>Property Owner</th>
<th>Land Area</th>
<th>Land Use</th>
</tr>
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<tbody>
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<td>535-060-008</td>
<td>Regional Park &amp; Open Space District</td>
<td>48.26</td>
<td>Gilman Ranch Regional Park</td>
</tr>
<tr>
<td>535-070-023</td>
<td>Regional Park &amp; Open Space District</td>
<td>40.00</td>
<td>Gilman Ranch Regional Park</td>
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<tr>
<td>535-070-038</td>
<td>Regional Park &amp; Open Space District</td>
<td>36.25</td>
<td>Gilman Ranch Regional Park</td>
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<tr>
<td><strong>Gilman Ranch Regional Park Total</strong></td>
<td><strong>124.51</strong></td>
<td></td>
<td></td>
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<tr>
<td>535-070-014</td>
<td>Vintage Pacific</td>
<td>10.50</td>
<td>TTM33540</td>
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<td>535-070-025</td>
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<td>TTM33540</td>
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<td>TTM33540</td>
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<td>535-311-015</td>
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<tr>
<td>535-311-017</td>
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<td>535-311-018</td>
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<tr>
<td><strong>TTM33540 Total</strong></td>
<td><strong>45.08</strong></td>
<td></td>
<td></td>
</tr>
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</table>
On January 31, 2006, the City Council of the City of Banning adopted Resolution No. 2006-12 certifying the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) adopting the Statement of Overriding Considerations, Statement of Facts and Findings, and Mitigation Monitoring Program for General Plan Amendment No. 03-2501 and Zone Change No. 03-3501 (Comprehensive General Plan Amendment); adopted Resolution No. 2006-13 approving General Plan Amendment No. 03-2501 adopting the new General Plan; and, adopted Ordinance No. 1339 approving Zone Change 03-3501 repealing the existing Zoning Ordinance and adopting the new Zoning Ordinance and associated Zoning Map.

On September 26, 2006, the City Council of the City of Banning adopted Resolution No. 2006-58 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for TTM33540 for a subdivision creating 172 single family residential lots, 3 open space lots, 1 flood control basin and 10 lettered lots for public streets (public right-of-way) and approving TTM33540 within the City’s Low Density Residential (LDR) General Plan land use designation and Zoning classification.

General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is consistent and in conformance with both the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the City’s General Plan and the Mitigated Negative Declaration approved for Tentative Tract Map No. 33540.

General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is a proposal initiated by the City of Banning involving only the change of the land use designations within the specific project area (Gilman Ranch Regional Park and Tentative Tract Map No. 33540) to reflect the existing/approved land use conditions. This proposal does not directly result in the actual development or construction of a project; rather, it involves only the creation of a change to a City land use policy within the specific project area. However, the proposed General Plan Amendment and Zone Change is a “project” pursuant to the definitions of the California Environmental Quality Act (CEQA), which has required the preparation of this Initial Study. As part of the proposed project’s environmental review, the City of Banning (as the “Lead Agency”) has prepared this Initial Study pursuant to the CEQA Guidelines and the local environmental guidelines of the City of Banning in order to assess any potential effects on the environmental resulting from the proposed General Plan Amendment and Zone Change.

In conducting the environmental analysis for General Plan Amendment No. 14-2503 and Zone Change No. 14-3503, the City of Banning has reviewed and incorporated by reference the certified Final Environmental Impact Report, and its contained technical reports/studies, for the City’s General Plan, and the approved Mitigated Negative Declaration and technical reports/studies for Tentative Tract Map No. 33540.

The results of this Initial Study show that there is no substantial evidence that the proposed project (General Plan Amendment No. 14-2503 and Zone Change No. 14-3503) would have a significant effect on the environment. Therefore, a Negative Declaration is being recommended for adoption.

Copies of the Initial Study and the Notice of Intent to Adopt a Negative Declaration will be forwarded to responsible agencies and will be made available to the public for review and comment. A 20-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the Negative Declaration.
1. INTRODUCTION

Purpose and Scope

This Initial Study 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 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 implementation of the Project.

Incorporation by Reference

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents. These documents are hereby incorporated by reference in their entirety into this Initial Study, as authorized by Section 15150 of the State CEQA Guidelines. All of the documents incorporated by reference are listed in Section 7 of this Initial Study.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (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 the California Environmental Quality Act.

This Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. 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
Within this Initial Study, a series of questions are 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.**

   The proposed project may, or is known to, result in significant unmitigatable adverse environmental impacts.

B. **Potentially Significant Impact Unless Mitigation.**

   The proposed project may have the potential to generate impacts that are considered to represent a significant impact on the environment. However, the level of impact may be reduced to levels that are considered to be less than significant with the implementation of mitigation measures.

C. **Less Than Significant Impact.**

   The proposed project may have the potential for impacting the environment, although these impacts are likely to be below levels or thresholds that the City or other responsible agencies consider to be significant.

D. **No Impact.**

   The proposed project will not have any measureable environmental impact on the environment.
3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, I find that:

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

- 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 B (attached), have been added to the Project. A 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:  
Brian Guillot, Action Community Development Director

Prepared by:  
Oliver Mujica, Contract Planner

Date:  
January 5, 2015

Public Review:  
January 12, 2015 through February 2, 2015.
4. PROJECT DESCRIPTION

Project Title: General Plan Amendment No. 14-2503 and Zone Change No. 14-3503
Gilman Street west of 8th Street

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

Applicant: City of Banning
Community Development Department – Planning Division
99 E. Ramsey Street
Banning, CA 92220

General Plan Designation: Low Density Residential (LDR), Very Low Density Residential (VLDR), Ranch/Agriculture Hillside (RA-H) and Open Space – Parks (OS-P)

Zoning: Low Density Residential (LDR), Very Low Density Residential (VLDR), Ranch/Agriculture Hillside (RA-H) and Open Space – Parks (OS-P)

Project Description: General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 is a proposal by the City of Banning to change the existing General Plan land use designations and Zoning classifications of an area containing a total of approximately 169.59 acres which is comprised of Gilman Ranch Regional Park (124.51 acres) and TTM33540 (45.08 acres). The General Plan land use designation and Zoning classification for certain portions of the parcels (APN: 535-060-008, 535-070-023 and 535-070-038) contained within Gilman Ranch Regional Park are proposed to be amended from Low Density Residential (LDR) and Ranch/Agriculture - Hillside (RA-H) to Open Space – Parks (OS-P); and, the General Plan land use designation and Zoning classification for certain parcels (APN: 535-070-014, 535-070-025, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) contained within TTM33540 are proposed to be amended from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (R/A-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR). The proposed General Plan Amendment and Zone Change is intended to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of TTM33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps.
Surrounding Land Uses and Setting: The project area is comprised of the Gilman Ranch Regional Park, which is north of Wilson Street between 16th Street and 20th Street, and the properties contained within approved Tentative Tract Map No. 33540 (TTM33540) which is north of Gilman Street between the Gilman Ranch Regional Park and 8th Street.

North: Specific Plan
East: Ranch/Agriculture Hillside
South: Low Density Residential
West: Low Density Residential

Approvals Required:

In order to complete and approve the proposed Project, the City of Banning would need to take the following actions:

- Approval of an Initial Study and Negative Declaration by the City Council; and,
- Approval of the General Plan Amendment and Zone Change by the City Council.
## 5. ENVIRONMENTAL ANALYSIS CHECKLIST

<table>
<thead>
<tr>
<th>I. 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>
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<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>
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</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>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. AGRICULTURAL RESOURCES. 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) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</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 forest land or conversion of forest land 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>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
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</tr>
<tr>
<td>III. AIR QUALITY. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<td>☐</td>
</tr>
<tr>
<td>IV. BIOLOGICAL RESOURCES. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
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</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>
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</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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</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></td>
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<td></td>
</tr>
</tbody>
</table>

V. CULTURAL RESOURCES. Would the Project:

<table>
<thead>
<tr>
<th>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>
</tr>
</thead>
<tbody>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

VI. GEOLOGY AND SOILS. Would the Project:

<table>
<thead>
<tr>
<th>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</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></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)</td>
<td>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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>ii)</td>
<td>Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>iii)</td>
<td>Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>iv)</td>
<td>Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b)</td>
<td>Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c)</td>
<td>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d)</td>
<td>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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e)</td>
<td>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**VII. GREENHOUSE GAS EMISSIONS. Would the Project:**

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☐ |

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☐ |
<table>
<thead>
<tr>
<th>VIII. HAZARDS AND HAZARDOUS MATERIALS. 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) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<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>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<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>
<td>□</td>
<td>□</td>
<td>□</td>
<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>
<td>□</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 it result in a safety hazard for people residing or working in the project area?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<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>
<td>□</td>
<td>□</td>
<td>□</td>
<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>
<td>□</td>
<td>□</td>
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<td>□</td>
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<tr>
<td>IX. HYDROLOGY AND WATER QUALITY. Would the Project:</td>
<td></td>
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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>
</tr>
<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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) 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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) 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>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) 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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g) Place housing within a 100-year</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Question</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>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</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>
<td>□</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td><strong>X. LAND USE AND PLANNING. Would the Project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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 environmental effect?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</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>
<tr>
<td><strong>XI. MINERAL RESOURCES. Would the Project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<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>
<tr>
<td><strong>XII. NOISE. Would the Project:</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<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>
<td>□</td>
</tr>
<tr>
<td>XII. ENVIRONMENTAL IMPACTS. Would the Project:</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>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>[ ]</td>
<td>[ ]</td>
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</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>
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</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>
<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>
<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>
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</tbody>
</table>

**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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<td>[ ]</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

**XIV. PUBLIC FACILITIES. Would the Project:**

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 . . .

<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) Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Other public facilities?</td>
<td>☐</td>
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**XV. RECREATION:**

<table>
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<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) 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>
<td>☐</td>
</tr>
<tr>
<td>b) 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>
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<td>☐</td>
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</table>

**XVI. TRANSPORTATION/TRAFFIC.**

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<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) 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand</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>
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<td>measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
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<td>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?</td>
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<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<td>e) Result in inadequate emergency access?</td>
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<td>f) Result in inadequate parking capacity?</td>
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<td>g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
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**XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:**

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<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
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<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<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>
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<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>
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<td>d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements</td>
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<td></td>
<td>Potentially Significant Impact</td>
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<td>Less Than Significant Impact</td>
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<td>c) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
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<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
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<tr>
<td>g) Comply with federal, state and local statutes and regulations related to solid waste?</td>
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**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? | ☐                              | ☐                                           | ☐                                           | ☐         |
| 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? | ☐                              | ☐                                           | ☐                                           | ☐         |
| c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | ☐                              | ☐                                           | ☐                                           | ☐         |
6. **EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM**

**Checklist Item I: AESTHETICS.**

**A.** *Would the project affect a scenic vista?***

*No Impact.*

The City of Banning is located in the San Gorgonio Pass area of Riverside County. The San Gorgonio Pass divides the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. The dominant scenic vista associated with the project area is the backdrop of these mountains. The City’s General Plan considers the mountain backdrops as significant visual features. The San Gorgonio Peak which is a top of the San Bernardino Mountains is 11,499 feet above mean sea level and is the highest peak in Southern California. The San Jacinto Peak which is the highest peak of the San Jacinto Mountains is located approximately six (6) miles south of the I-10 freeway. It rises to 10,804 feet above mean sea level and is the highest peak in Riverside County. The adjacent mountain canyons form the alluvial plains on which portions of the City has developed. The mountains provide dramatic and valuable viewsheds. The General Plan policy requires that, “The City protects the peaks and ridgelines within the City and encourages coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City’s area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass Area.”

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space scenic vista.

With respect to a potential effect on a scenic vista, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the City’s General Plan and the Mitigated Negative Declaration approved for TTM3540. Therefore, there will not be an impact to a scenic vista by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

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

*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. 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 distance, 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.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space scenic resource.

With respect to a potential effect on scenic resources, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to a scenic resource by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved its visual character as a historic open space.

With respect to a potential degrading on the visual character, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the visual character by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Would the project create a new source of substantial light or glare that would adversely affect day or night-time views in the area?

No Impact.

With respect to a potential effect on day or night-time views, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to day or night-time views by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
Checklist Item II: AGRICULTURAL AND FORESTRY RESOURCES.

A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
   No Impact.

According to the Department of Conservation Farmland Mapping and Monitoring Program, the project area has not been mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. With respect to a potential impact on farmland or agricultural uses, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on farmlands or agricultural resources by General Plan Amendment No. 14-2503 and Zone Change No.

B Conflict with existing zoning for agricultural use, or a Williamson Act contract?
   No Impact.

With respect to a potential conflict to an agricultural use or a Williamson Act contract, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Additionally, the City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) does not contemplate agricultural land uses for the project area, and the project area is not subject to a Williamson Act contract. Therefore, there will not be an impact to agricultural uses or a Williamson Act contract by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

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))? Conflict with existing zoning for agricultural use, or a Williamson Act contract?
   No Impact.

With respect to a potential conflict to forestland uses or a Williamson Act contract, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Additionally, the City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) does not contemplate forestland or timberland land uses for the project area, and the project area is not subject to a Williamson Act contract. Therefore, there will not be an impact to forestland or timberland land uses or a Williamson Act contract by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Result in the loss of forestland or conversion of forestland to non-forest use?
   No Impact.

With respect to a potential loss of forestland or conversion of forestland to non-forest use, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Additionally, the City of Banning’s
General Plan Conservation Element or Zoning Code (Title 17) does not contemplate forestland land uses for the project area. Therefore, there will not be an impact to forestland land uses by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

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?**

   No Impact.

With respect to a potential affect to farmland, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTMM 3540. Additionally, the City of Banning’s General Plan Conservation Element or Zoning Code (Title 17) does not contemplate farmland land uses for the project area. Therefore, there will not be an impact to farmland land uses by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

**Checklist Item III: AIR QUALITY.**

A. **Would the project conflict with or obstruct implementation of the applicable air quality plan?**

   No Impact.

The City of Banning is located within the South Coast Air Basin where air quality is regulated by the South Coast Air Management District (SCAQMD). The SCAQMD regulates short-term and long term air quality impact from stationary and non-stationary pollution sources. The SCAQMD adopted the latest Air Quality Management Plan (AQMP) in December 2012. The AQMP includes development information from the City General Plans within the SCAQMD boundaries including the City of Banning. The City’s General Plan requires that the “City cooperate with the SCAQMD to assure compliance with air quality standards” and that the “development proposals mitigate any significant air quality impacts” which include short- term construction related impacts and long terms air quality impacts associated with occupancy and project operations. The SCAQMD regulates fugitive dust emissions during construction through Rule 403.

Additionally, Cities are required by State law to conform with the land use regulations of the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the 2012 Regional Housing Needs Assessment (RHNA) prepared by the Southern California Association of Governments (SCAG). The Final EIRs prepared by SCAG for the RTP/SCS and by the SCAQMD for the AQMP analyzed air pollutant emissions that would result from all development throughout the region, and concluded that significant impacts would occur for some types of pollutants. Since the proposed project is consistent with these regional plans, impacts to air quality have already been analyzed in the RTP/SCS and AQMP EIRs.

The State continues to improve construction codes for the Building, Plumbing, and Energy Code. The future developments within the project area are required to comply with the State Building Code to reduce air emissions related to heating, cooling, and lighting. The City of Banning’s General Plan policies require that air quality impacts be mitigated including compliance with the City’s Zoning Ordinance.
With respect to a potential conflict with an applicable air quality plan, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a conflict with an applicable air quality plan by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No Impact.

With respect to a potential violation with an air quality standard, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a violation with an applicable air quality standard by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

No Impact.

The project area is located within a portion of the SCAQMD which has been identified by the California Air Resources Board as being in non-attainment for Ozone, Large Particulate Matter PM10 and Small Particulate Matter PM2.5. The 2007 Air Quality Management Plan for the South Coast Air Basin (2007 AQMP) relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. The plan contains a number of land use and transportation control measures that are intended to reduce air pollution emissions. The project will comply with the control measures identified in the plan in addition to all of the SCAQMD’s applicable rules and regulations.

CEQA guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” To determine if a proposed project would have a significant impact on air quality, the type, level, and impact of emissions generated by the proposed project must be evaluated. To assist in the establishment of a quantitative determination of what is considered “significant,” the SCAQMD has published a number of significance thresholds that apply to new projects constructed or operated within the SCAQMD. The SCAQMD recommends that these quantitative air pollution thresholds be used by lead agencies in determining whether a proposed project could result in a significant impact. If the lead agency finds that the proposed project has the potential to exceed these air pollution thresholds, the project should be considered significant.

With respect to a potential cumulative pollutants, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be cumulative pollutants by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
D. Would the project expose sensitive receptors to substantial pollutant concentrations?
No Impact.

With respect to a potential exposure to sensitive receptors of substantial pollutant concentrations, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure to sensitive receptors of substantial pollutant concentrations by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

E. Would the project create objectionable odors affecting a substantial number of people?
No Impact.

The SCAQMD’s CEQA Air Quality Handbook identifies those uses that will typically create odors that, in turn, could generate complaints. These uses include agricultural activities, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding operations. With respect to a potential exposure to objectionable odors, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure to objectionable odors by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item IV: BIOLOGICAL RESOURCES.

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any existing biological habitats.

With respect to a potential effect on habitat species, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an effect on habitat species by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division –
Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any existing riparian habitats.

With respect to a potential effect on riparian habitat, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an effect on riparian habitat by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 344 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact.

With respect to a potential effect on federally protected wetlands, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an effect on federally protected wetlands by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

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

No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any existing migratory patterns.

With respect to a potential effect on migratory fish or wildlife species, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an effect on migratory fish or wildlife species by General Plan Amendment No. 14-2503 and Zone Charge No. 14-3503.

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

No Impact.

With respect to a potential conflict with local policies or ordinances protecting biological resources, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a conflict with local policies or ordinances protecting biological resources by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact.

With respect to a potential conflict with local, regional, or state habitat conservation plans, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a conflict with local, regional, or state habitat conservation plans by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item V: CULTURAL RESOURCES.

A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines?

No Impact.

When the General Plan for the City of Banning was prepared in 2006, historical maps, previous cultural resource surveys, aerial photographs, topographic maps and other cultural records were consulted to determine the presence of known archaeological resources within the City. A total of twenty (20) archaeological sites have been identified and recorded within the City, twelve (12) of which are prehistoric (Native American) sites. The entire City for the General Plan has not been extensively surveyed for cultural resources due to the fact that large scale development projects have not been as widespread within the City as other communities in the San Gorgonio Pass/Coachella Valley region.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgarth (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any existing historical resources.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

With respect to a potential change in the significance of a historical resource, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on historically significant resources by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines?

No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any existing archaeological resources.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

With respect to a potential change in the significance of an archaeological resource, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on archaeologically significant resources by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any existing paleontological resources.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseno Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseno Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.
With respect to a potential affect directly or indirectly of a unique paleontological resource, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a direct or indirect impact on a unique paleontological resource by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Would the project disturb any human remains, including those interred outside of formal cemeteries?  
No Impact.

On August 28, 1976, the United States Department of the Interior – National Parks Service certified the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places, based upon the support of nomination evidence presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department). Through this certification, Gilman Ranch Regional Park will be preserved as historic open space which in turn will preserve any interred human remains.

Pursuant to the requirements of Senate Bill (SB) 18, on December 31, 2014, the City of Banning transmitted a formal request for Tribal Consultation to the Native American Heritage Commission. Tribal Consultation request letters were also transmitted directly to the following: Morongo Band of Mission Indians; Soboba Band of Luiseño Indians; Cabazon Band of Mission Indians; Pechanga Band of Luiseño Indians; Augustine Band of Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Cahuilla Band of Indians; Ramona Band of Cahuilla Indians; Agua Caliente Band of Cahuilla Indians; Santa Rosa Band of Cahuilla Indians; Fort Mohave Indian Tribe; San Manuel Band of Mission Indians; and Torres Martinez Desert Cahuilla Indians.

With respect to a potential disturbance of any human remains, including those interred outside of formal cemeteries, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a disturbance of any human remains plans by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item VI: GEOLOGY AND SOILS.

A. Would the project result in or expose people or structures to potential significant adverse effects, including the risk of loss or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault?  
No Impact.

The City’s General Plan Table V-1 shows the various fault names, proximity to Banning, and seismic intensities, and Exhibit V-3 shows approximate location of these fault zones including San Andreas Fault. The entire City is therefore susceptible to seismically induced ground shaking. With respect to a potential exposure of people or structures resulting from potential earthquakes or ground rupture hazards, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540.
Therefore, there will not be an exposure of people or structures resulting from potential earthquakes or ground rupture hazards by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project expose people or structures to potential substantial adverse effects, including substantial soil erosion or the loss of topsoil?

No Impact.

As illustrated in Exhibit V-3 of the General Plan, the project area is not located in Alquist-Priolo Zone, therefore the possibility of significant fault rupture is considered to be low. Additionally, the future development within the project area must be designed in accordance with the requirements of the California Building Code (CBC) Seismic Design parameters. The CBC provides procedures for earthquake resistant structural design that include considerations for on-site soils conditions, occupancy, and the configuration of the structure including structural system and height.

With respect to a potential exposure of people or structures resulting from potential soil erosion or loss of topsoil, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people or structures resulting from soil erosion or loss of topsoil by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project expose people or structures to potential substantial adverse effects, including location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

No Impact.

With respect to a potential exposure of people or structures resulting from potential landslide, lateral spreading, subsidence, liquefaction or collapse, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people or structures resulting from potential landslide, lateral spreading, subsidence, liquefaction or collapse by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Would the project result in or expose people to potential impacts, including location on expansive soil, as defined in the California Building Code (2002), creating substantial risks to life or property?

No Impacts.

With respect to a potential exposure of people or structures resulting from expansive soil, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people or structures resulting from potential expansive soil by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
E. Would the project result in or expose people to potential impacts, including soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? 
  No Impact.

No septic tanks are used within the proposed area. Therefore, no impacts associated with the use of septic tanks will result from by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item VII: GREENHOUSE GAS EMISSIONS.

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? 
  No Impact.

With respect to the potential generation of greenhouse gas emissions, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact from the generation of greenhouse gas emissions by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? 
  No Impact.

The City of Banning General Plan incorporates policies that “promotes energy conservation throughout all areas of the community and sectors of the local economy and encourage the expanded use of public transit, vehicles fueled by compressed natural gas and hydrogen, buses with bike racks and other improvements that enhance overall operations and energy conservation”.

The California Building and Energy Codes continue to be updated to provide for more efficient building and energy conservation. The manufacturers of household appliances continue to make energy efficient appliances for consumers such as clothes washers and dryers, and dishwashers. Old appliances within the homes would be replaced with new energy efficient appliances which should help reduce greenhouse gas emission. The City does not regulate mobile sources of air pollution as they are regulated at the regional level through SCAQMD, State EPA, and Federal EPA. However, the City of Banning through its General Plan policies and programs will continue to support development that promotes conservation of resources which should help contribute to the overall reduction of the greenhouse gas.

With respect to the potential conflict with an applicable plan, policy or regulation for the purpose of reducing greenhouse gas emissions, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a conflict with an applicable plan, policy or regulation for the purpose of reducing greenhouse gas emissions by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
Checklist Item VIII: HAZARDS AND HAZARDOUS MATERIALS.

A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
   No Impact.

With respect to the potential hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact from hazard to the public or the environment through the routine transport, use or disposal of hazardous materials by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project create a significant hazard to the public or the environment, or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
   No Impact.

With respect to the potential hazard to the public or the environment from conditions involving the release of hazardous materials, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact from hazard to the public or the environment from conditions involving the release of hazardous materials by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
   No Impact.

With respect to the potential hazardous emissions, materials, substances or waste within one-quarter mile of an existing or proposed school, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact from hazardous emissions, materials, substances or waste within one-quarter mile of an existing or proposed school by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Would the project be located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?
   No Impact.

With respect to the potential location of a hazardous site or materials, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact from
hazardous materials within the project area by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

E. Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? 

No Impact.

The project area is not located within the sphere of an airport zone or subject to an airport land use plan. Therefore, there will not be an impact from an airport related safety hazard by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

F. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area? 

No Impact.

The project area is not located within the sphere of a private airport zone. Therefore, there will not be an impact from an airport related safety hazard by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

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

No Impact.

A review of the City of Banning Emergency Operations Plan as well as a consultation with the Fire Services Division revealed that the project will not impair an emergency evacuation plan at this time. With respect to the potential interference to an emergency response plan or emergency evacuation plan, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an interference to an existing emergency response plan or emergency evacuation plan by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? 

No Impact.

With respect to the potential exposure of people or structures resulting from wild land fires, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact from the exposure of people or structures resulting from wild land fires by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
Checklist Item IX: HYDROLOGY AND WATER QUALITY.

A. Would the project violate any water quality standards or waste discharge requirements? No Impact.

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 Pollution 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.

With respect to the potential violation of any water quality standards or waste discharge requirements, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a violation of any water quality standards or waste discharge requirements by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of a pre-existing nearby well would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? No Impact.

With respect to the potential impacts to groundwater supplies, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to groundwater supplies by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? No Impact.

With respect to the potential impacts on an existing stream or river, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on any existing streams or rivers by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
D. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on-or off-site?

No Impact.

With respect to the potential alteration of existing drainage patterns, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on existing drainage patterns by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

E. Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

No Impact.

With respect to the potential alteration of existing storm water drainage systems, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on existing storm water drainage systems by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

F. Would the project otherwise substantially degrade water quality?

No Impact.

With respect to the potential degrading of water quality, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a degrading of water quality by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

G. Would the project 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?

No Impact.

With respect to the potential effect on housing within a 100-year flood hazard area, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to housing within a 100-year flood hazard area by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
H. Would the project place within a 100-year flood hazard area, structures that would impede or redirect flood flows?
No Impact.

With respect to the potential placement of structures that would impede a 100-year flood flow hazard area, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact of structures impeding a 100-year flood flow hazard area by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.area.

I. Would the project expose people or structures to a significant risk of flooding as a result or levee failure?
No Impact.

With respect to the potential exposure of people or structures from flooding or levee failure, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people or structures from flooding or levee failure by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

J. Would the project result in inundation by seiche, tsunami, or mudflow?
No Impact.

With respect to the potential exposure of people or structures from inundation by seiche, tsunami, or mudflow, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people or structures from inundation by seiche, tsunami, or mudflow by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item X: LAND USE AND PLANNING.

A. Would the project physically divide an established community or otherwise result in an incompatible land use?
No Impact.

The proposed General Plan Amendment and Zone Change will change the General Plan land use designations and Zoning classifications for certain portions of the parcels contained within Gilman Ranch Regional Park from Ranch/Agriculture -Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P); and, the General Plan land use designations and Zoning classifications for certain parcels contained within TTM33540 from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLD) to Low Density Residential (LDR) in order to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of TTM33540, thereby ensuring the conformity with the City’s General Plan Land Use and Zoning maps. Therefore, there will not be a physical division of an established community or result in incompatible land uses.
B. Would the project conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
   No Impact.

The proposed General Plan Amendment and Zone Change will change the General Plan land use designations and Zoning classifications for certain portions of the parcels contained within Gilman Ranch Regional Park from Ranch/Agriculture -Hillside (RA-H) and Low Density Residential (LDR) to Open Space – Parks (OS-P); and, the General Plan land use designations and Zoning classifications for certain parcels contained within TTM33540 from Open Space – Parks (OS-P), Ranch/Agriculture – Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR) in order to reflect the existing open space land use of Gilman Ranch Regional Park and the approved low density residential land use of TTM33540. As a result, the General Plan Land Use Map and Zoning Map will be consistent with the current and planned land uses. Therefore, there will not be an impact on the City’s land use plan, policy or regulations.

C. Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?
   No Impact.

The project will not conflict with any conservation plan. Future development within the project are may be required to comply with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the plan. The purpose of the plan is to protect the existing character of the City and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP. As a result, no impacts on habitat conservation plans or natural community conservation plans will occur.

Checklist Item XI: MINERAL RESOURCES.

A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents or the state?
   No Impact.

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board designated on a map Sector G, two parcels covering parts of the San Gorgonio River alluvial fan, east of the City of Banning as a Significant Construction Aggregate Resource. Sector G extends from the mouth of Banning Canyon, southeastward to the community of Cabazon. No other area in the vicinity of the City of Banning is designated a Significant Construction Aggregate Resource. The project area is not located within this area; and, therefore no significant mineral resource will be affected by the proposed project.
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? 
No Impact.

The resources and materials to be used in future construction will not include any materials that are considered rare or unique. Therefore, the proposed project will not result in any significant adverse effects on mineral resources in the region.

Checklist Item XII: NOISE.

A. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? 
No Impact.

Applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. With respect to the potential exposure of people to or generation of excessive noise levels, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people to or the generation of noise levels in excess of standards by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project result in exposure of people to or generation of excessive groundborne noise levels? 
No Impact.

The residential uses within the project area are considered to be noise-sensitive land uses. Certain activities are particularly sensitive to noise. These include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration. With respect to the potential exposure of people to or generation of excessive groundborne noise levels, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an exposure of people to or the generation of excessive groundborne noise levels by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? 
No Impact.

With respect to the potential increase in ambient noise levels, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a substantial increase in ambient noise levels by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
D. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact.

With respect to the potential temporary or periodic increase in ambient noise levels, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a temporary or periodic increase in ambient noise levels by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

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?

No Impact.

The project area is not located in the proximity of a public airport. Therefore, the proposed project will not expose persons to noise from operations at any public airport in the area.

F. Within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact.

The project area is not located in the proximity of a private airstrip. Therefore, the proposed project will not expose persons to noise from operations at any private airport in the area.

Checklist Item XIII: POPULATION AND HOUSING.

A. Would the project induce substantial population growth in an area, either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

No Impact.

With respect to the potential population growth, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a population growth by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact.

With respect to the potential displacement of existing housing, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a displacement of existing housing by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
C. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact.

With respect to the potential displacement of people, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be a displacement of people by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item XIV: PUBLIC FACILITIES.

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: fire protection services?

No Impact.

With respect to the potential impacts to fire protection services, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on fire protection services by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: Police protection?

No Impact.

With respect to the potential impacts to police protection services, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on police protection services by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: School services?

No Impact.

The project site is located within the service area of the Banning Unified School District. With respect to the potential impacts to school services, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for
TTM33540. Therefore, there will not be an impact on school services by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: Parks?

No Impact.

The project area contains Gilman Ranch Regional Park. With respect to the potential impacts to parks, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on parks by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

E. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas: Other governmental services?

No Impact.

With respect to the potential impacts to government services, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to government services by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item XV: RECREATION.

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

No Impact.

The project area contains Gilman Ranch Regional Park. With respect to the potential impacts to parks, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on parks by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
B. Would the project affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

No Impact.

The project area contains Gilman Ranch Regional Park. With respect to the potential impacts to recreational facilities, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact on recreational facilities by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item XVI: TRANSPORTATION/TRAFFIC.

A. Would the project 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, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact.

With respect to the potential impacts to applicable transportation plans, ordinances or policies, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to applicable transportation plans, ordinances or policies by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

B. Would the project 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?

No Impact.

The Riverside County Transportation Commission is the Congestion Management Agency for Riverside County. With respect to the potential impacts an applicable congestion management program, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact an applicable congestion management program by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project 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?

No Impact.

The project area is not located within the proximity of an airport. Therefore, there will not be a change in air traffic patterns by the proposed project.
D.  Would the project substantially increase hazards due to design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact.

With respect to the potential hazards due to design features, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be hazards due to design features by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

E.  Would the project result in inadequate emergency access?

No Impact.

The proposed project will not involve the closure of any roadway. Therefore, there will not be an impact to emergency access by the proposed project.

F.  Would the project result in inadequate parking capacity?

No Impact.

With respect to parking capacity, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an inadequate parking capacity by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

G.  Would the project conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact.

The Banning Municipal Transit System provides a fixed route bus service along three routes within the City. Public transit service within the City of Banning is provided by the Riverside Transit Agency. With respect to public transit, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to transit services by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

Checklist Item XVII: UTILITIES AND SERVICE SYSTEMS.

A.  Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact.

With respect to the potential of exceeding wastewater treatment requirements, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the wastewater treatment requirements by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
B. Would the project 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 impacts?

No Impact.

With respect to the potential need of new water or wastewater treatment facilities, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the wastewater treatment requirements by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

C. Would the project 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?

No Impact.

With respect to the potential need of new stormwater drainage facilities or the expansion of existing facilities, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the stormwater drainage facilities by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

D. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No 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, Cabazon, and Beaumont basins and less reliance on State imported water. The 2010 Urban Water Management Plan also includes a variety of best management practices 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 EBXI (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 area. With respect to the potential need of new water supplies, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the water supplies by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
E. Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact.

With respect to the potential impact to the wastewater treatment provider, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the existing wastewater infrastructure by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact.

With respect to the potential impact to the solid waste disposal capacity, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the existing solid waste disposal capacity by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.

G. Will the project comply with federal, state, and local statutes and regulations related to solid waste?

No Impact.

With respect to the compliance with federal, state and local statutes and regulations related to solid waste, the project area was adequately evaluated and addressed by the Final Environmental Impact Report (California Clearinghouse Schedule No. 2005011039) certified for the General Plan and the Mitigated Negative Declaration approved for TTM33540. Therefore, there will not be an impact to the compliance with federal, state and local statutes and regulations related to solid waste by General Plan Amendment No. 14-2503 and Zone Change No. 14-3503.
Checklist 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?

No Impact.

Based on the analysis contained in this Initial Study Checklist, the proposed project will not impact Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems. Thus the project would have no impact on the environment. It will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted.

B. Does the project have impacts that are individually limited, but cumulatively considerable?

No Impact.

Based on the analysis contain in this Initial Study Checklist, no cumulative impacts associated with the project will significantly affect the environment. The analysis in the Initial Study Checklist demonstrated that the project is in compliance with all applicable mitigations plans. Additionally, the project would not produce impacts, that considered with the effects of other past, present, or probable future projects, would be curatively considerable because potential adverse environmental impacts were determined to be less than significant as identified in this Initial Study Checklist.

C. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact.

As discussed within this Initial Study Checklist, the project would not expose persons to adverse impacts related to air quality, seismic or geologic hazards, greenhouse gas emissions, hazards or hazardous materials, hydrology or water quality, land use and planning, noise, population or housing, or transportation or traffic hazards, and the provision of utility services to people. These impacts were identified as less than significant or no impact; and, therefore the project does not have and environmental effects which will substantial adverse effects on human being, either directly or indirectly.
7. INCORPORATION BY REFERENCE

This Initial Study is based in part on the information and analysis contained in the documents listed below. These documents are hereby incorporated by reference in their entirety into this Initial Study. Copies of all documents incorporated herein are available for review in the Community Development Department at the Banning Civic Center, 99 E. Ramsey Street, Banning, and California, 92220.

A. City of Banning General Plan

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted January 2006 and includes any amendments.

B. Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance

This document was prepared to review the environmental constraints and opportunities associated with the adoption of the Banning Comprehensive General Plan and Zoning Ordinance that was adopted January 2006. The EIR is designed to be used as an information database to facilitate the streamlining of, or tiering of the environmental review process for subsequent projects for the City.

C. City of Banning Municipal Code

The Municipal Code contains various regulations and development standards that govern use and development of properties within the City. The Zoning Ordinance was adopted in January 2006.

D. City of Banning Local Procedures for Complying with CEQA

These procedures identify how the City implements CEQA and the State CEQA Guidelines. These local procedures were put into effect in order to comply with Section 15022 of the State CEQA Guidelines.

E. Multi-Species Habitat Conservation Plan (MSHCP)

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on Conservation of species and their associated Habitats in Western Riverside County.

F. United States Department of the Interior – National Parks Service

Certification, dated August 28, 1976, from the United States Department of the Interior – National Parks Service certifying the inclusion of Gilman Ranch Regional Park within the National Register of Historic Places; and, the National Register of Historic Places Inventory-Nomination Form, dated March 3, 1976, presented by Dr. John R. Brumgardt (History Division – Riverside County Parks Department).
8. LIST OF PREPARERS

Listed below are the persons who prepared or participated in the preparation of the Initial Study:

Project Manager: Oliver Mujica, Contract Planner

Reviewed by: Brian Guillot, Acting Community Development Director
EXHIBIT A

(Vicinity Map)
General Plan Amendment No. 14-2503 and Zone Change No. 14-3503
Gilman Street west of 8th Street

1" = 6,019 ft  Vicinity Map  12/30/2014

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.
EXHIBIT B

(Project Study Area Map – Existing Land Use Designations)
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.
EXHIBIT C

(Project Study Area Map – Proposed Land Use Designations)
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.
ATTACHMENT 4
Aerial Map depicting the twelve (12) properties
ATTACHMENT 6
Proposed Zoning
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.
ATTACHMENT 7
Public Hearing Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

January 9, 2015

Executed on: 01/09/2015
At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR PROPOSED GENERAL PLAN AMENDMENT NO. 14-2503 AND ZONE CHANGE NO. 14-3503 GILMAN STREET WEST OF 8TH STREET

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, April 2, 2015, 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 a proposal by the City of Banning to amend the General Plan Land Use Designations and Zoning Classifications for the Gilman Ranch Regional Park (APN: 535-000-509, 535-070-023 and 535-070-036) located north of Whisen Street between 10th Street and 22nd Street, and the approved Vintage Pacific residential subdivision (Tentative Tract Map No. 33540) (APN: 535-070-014, 535-070-021, 535-070-029, 535-110-002, 535-110-011, 535-311-014, 535-311-015, 535-311-016, 535-311-017 and 535-311-018) located east of the Gilman Ranch Regional Park and north of Gilman Street.

The General Plan land use designation and Zoning classification for the Gilman Ranch Regional Park is proposed to be amended from Ranch/Agriculture - Hillside (RA-H) and Low Density Residential (LDR) to Open Space - Parks (OS-P); and, the General Plan land use designation and Zoning classification for Tentative Tract Map No. 33540 is proposed to be amended from Open Space - Parks (OS-P), Ranch/Agriculture - Hillside (RA-H) and Very Low Density Residential (VLDR) to Low Density Residential (LDR). The proposed General Plan Amendment and Zone Change is intended to reflect the accurate land uses for both the Gilman Ranch Regional Park and Tentative Tract Map No. 33540; thereby ensuring the conformity with the City's General Plan Land Use and Zoning Maps. To locate these parcels, please go to the Riverside County website and type in www.0.rivco.ca.us/arcgisviewer.htm in the search engine and follow the instructions on the page. The public review period is from Monday, January 12, 2015, through Monday, February 2, 2015. Information regarding the Initial Study/Negative Declaration, and the General Plan Amendment and Zone Change proposals can be obtained by contacting the City's Community Development Department at (951) 822-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us. 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 City's 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 City Council 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 ACTING COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Brian Gullot
Acting Community Development Director
Dated: January 6, 2015
Publish: January 9, 2015
Published in The Record Gazette
No. 113355
01/09/2015
ATTACHMENT 8
Mailing Labels
Affidavit

I, Sandra Calderon, certify that the Notice of Intent to Adopt an Initial Study/Negative Declaration and Hold a Public Hearing for the Proposed General Plan Amendment No. 14-2503 and Zone Change No. 14-3503 Gilman Street West of 8th Street to be heard before the City of Banning Planning Commission, on Wednesday, February 4, 2015 at 6:30 p.m., was mailed on Thursday, January 8, 2015 to properties within a 300’ radius as shown in the attached.

Sandra Calderon
Development Project Coordinator

1-8-15

Date
538065001
JEANNE MARSHALL
0

538061002
CHARLES FREEMAN
4925 SUNNGDALE ST
BANNING CA 92220

535333005
MAHON HUGHES
0

535272004
DAVID ROBBEE
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540020017
JOS MAMAYA
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535131015
ANTHONY RANGEL
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ROBERT FUGH
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540020015
AMADO MADRIGAL
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OTTO WILMANN
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535333008
SIDNEY EMMONS
0

535120002
WILLIAM BARTLETT
0

535131016
RONALD MANTHE
0

535341017
RICHARD LANE
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535311013
VINTAGE PACIFIC
18401 VON KARMAN STE 350
IRVINE CA 92612

535080021
RIVERSIDE COUNTY FLOOD CONT
1995 MARKET ST
RIVERSIDE CA 92501

535343002
JEFFREY FLORR
13083 DEUCE CT
BEAUMONT CA 92223

538062017
OPAL SIGUR
P O BOX 1193
BANNING CA 92220

538063015
WALDEN KLEIN
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538061001
SERJIO LIMON
1529 GILLESPIE ST
SANTA BARBARA CA 91361

535060005
LOMA LINDA UNIVERSITY
FOUNDATION ADM
LOMA LINDA CA 92350

535343004
ROBERT WAGES
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535271016
JERRY BAILEY
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IRVINE CA 92612

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ENRIQUE VASQUEZ
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EL SEGUNDO CA 90245

535162028
BRUCE WILKINS
149 E CHERRY AVE
MONROVIA CA 91016

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MEMORIAL HEALTH MISSION
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TRACY YOUNGBLOOD
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SEMAIN BROTHERS PARTNERSHIP
1635 AVIATION BLVD
REDDONDO BEACH CA 90278

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EARL HINCH
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18401 VON KARMA STE 350
IRVINE CA 92612

535533009
RICHARD NIEMI
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BANNING CA 92220

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KEVIN JOHNSON
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Elliott Petersen
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IRVINE CA 92612

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XANG YANG
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535332028
CHARLES MOLLOY
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53533003
OSA DIAZ
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538063014
ALBERT STANG
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FRED TORO
12275 FIELDIS RD
BANNING CA 92220

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ROBERT WYMAN
2607 PINAL LN
PALOS VERDES EST CA 90274

538062003
VINCENT GODSIL
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535070018
RIVERSIDE COUNTY REG PARK & OP
3133 MISSION INN AVE
RIVERSIDE CA 92507

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CHONG YANG
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PAUL SHIBALOVICH
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535333002
ANGEL MARQUEZ
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AMELIA PICAZO
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535312002
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ROBIN ROBINSON
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JON GARCIA
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Jason Parker
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Gina Moyes
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Charles Lee Wetzel
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Eth Petersen
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Eleanore Kotsos
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Melana Horsman
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Jose Amaya
732 N 16th St
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Samuel Enriquez & Patricia Lamas
1522 W Wilson St
Banning, CA 92220
DATE: February 4, 2015

TO: Planning Commission

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: STUDY SESSION
ABANDONED SHOPPING CARTS

STAFF RECOMMENDATION: That the Planning Commission,

1. Review the existing regulations, Chapter 5.52 “Shopping Carts,” of the Banning Municipal Code (see Attachment 1) and provide direction to staff regarding possible amendments to the Municipal Code, if necessary; and

2. Hear a report from staff regarding the exchange of dialog during the meeting held with the stakeholders, as directed by the Planning Commission (see Attachment 2); and

3. Hear public comments regarding examples of regulations and policies that addresses abandoned shopping carts.

INTRODUCTION:

The City has received a complaint regarding abandoned shopping carts from a member of the business community. Basically, the complaint is that the number of shopping carts abandoned in fields and along roadways does not contribute to a positive view of the City. This issue would seem to work against the General Plan Economic Development Element Goal of providing:

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

In particular, the presence of abandoned shopping carts might discourage business development and opportunities due to the perceived negative views and implications.
Adopted Regulations

On September 26, 1995, the City Council adopted Resolution No. 11995-150 regulating shopping carts used by local retailers in accordance with Business and Professions Code Section 22435-22435.8 (see Attachment 3) A copy of the Business and Professions Code is included with this report as (Attachment 4) A copy of the current regulations now found in Chapter 5.52 of the Banning Municipal Code is included with this report as (Attachment 1).

The City regulations prohibit removal of shopping carts from the retailer’s premises and establish that it is a misdemeanor violation of the law to do so. Additionally, the regulations provide for an escalating penalty to the retailer for violations of the rules as stipulated in the municipal code.

The City regulations authorize the recovery of abandoned shopping carts from public property or the public right-of-way after 24-hour notice to the owner that the shopping carts are abandoned. Any recovered shopping carts are then stored at the City yard and the owner may recover them for a small fee.

BACKGROUND:

On August 6, 2014, a study session was conducted by the Planning Commission to consider complaints from the community regarding abandoned shopping carts. At that meeting, staff was directed by the Planning Commission to meet with the businesses and other stakeholders to solicit their comments and concerns regarding this issue; and to discuss possible solutions.

On September 24, 2014, staff held a meeting with local retail businesses, and other interested parties.

The Following Businesses and stakeholders attended:

1. Banning Village
2. Rio Ranch Market
3. Laura Peralta from the California Grocers Association

It was recognized by the group that there appears to be adequate ordinances in place, but there is a lack of enforcement to address the issues related to abandoned and stolen shopping carts. The Acting Development Director suggested the implementation of a 100% shopping cart retrieval system; and, create incentives to those businesses who comply. Laura Peralta from the California Grocers Association requested that the Police Department enforce regulations related to stolen property (the abandoned shopping carts) in order to improve the situation (Attachment 6).

As a follow-up, staff reached out to the Public Works Superintendent to solicit his input as to how the existing abandoned shopping carts are dealt with. Accordingly, The Public Works Superintendent provided the following regarding shopping carts: 1) City crew members and inmate crew workers pick-up abandoned shopping carts when he receives a request from City Hall; 2)
shopping cart owners are not being notified to pick-up the shopping carts from the city yard; 3) fees are not being collected due to the lack of staff; 4) shopping carts are returned to business if too many are collected.

It seems apparent that the City has adequate regulations in place, but there is a lack of enforcement, therefore, staff seeks direction from the Planning Commission as to how to proceed with options for revising the shopping cart regulations that meets the needs of both the community and the economic interests of those involved in this issue.

ISSUES AND OPPORTUNITIES

The City of Banning has a shopping cart ordinance. The ordinance contains provisions for enforcing both the removal of shopping carts from the retailer premises and the recovery of shopping carts, however, only in the public right-of-way, not from private property. In order to improve the current situation, additional provisions for enforcement may be required.

Included with this report as (Attachment 5) are similar shopping cart regulations from other cities such as the City of Riverside and the City of San Jacinto. These regulations are provided as examples because they contain provisions for Cart Removal Prevention Plans that incentivize the retailers to prevent shopping carts from being removed from their premises; additionally, once a shopping cart is removed it requires the retailer to provide a regular recovery service.

Other factors that should be considered when discussing these issues including the costs associated with providing a service to recover shopping carts. At this time the City is still in a very tight financial situation leaving staff with limited opportunities. While at the same time it is recognized that adding a requirement to recover shopping carts on the retailers will add expense to their operations. This dilemma needs a balance. It is also noteworthy to recognize that from time to time different organizations within the community sponsor community clean-ups that are appreciated, but do not provide a regular solution to this problem.

Prepared by:

Sandra Calderon
Development Project Coordinator

Approved by:

Brian Guillot
Acting Community Development Director
Attachments:

1. Chapter 5.52 of the Banning Municipal Code
2. Report from Staff Regarding the Meeting held with Stakeholders
3. Resolution No. 1995-150 Setting the Fee for Collection and Storage of Shopping Carts
4. Business and Professional Code Section 22435-22435.8
5. Copies of City of Riverside and City of San Jacinto Regulations
6. Memorandum to Code Enforcement dated 1-21-15
7. Synopsis of Retailer Meetings dated 7-21-14
Attachment 1

(Chapter 5.52 of the Banning Municipal Code)
Chapter 5.52 SHOPPING CARTS

Sections:
5.52.010 Identification of shopping carts.
5.52.020 Recovery of shopping carts by city forces.
5.52.030 Penalty.

5.52.010 Identification of shopping carts.

A. On and after the effective date of this section each owner of a retail establishment providing three or more
shopping carts for use by the patrons of the retail establishment, and the manager or person in charge of
any retail establishment which provides three or more shopping carts for use by the patrons of the retail
establishment, shall permanently affix to all shopping carts under the ownership and control of such owner,
manager or person in charge the notification required under California Business and Professions Code
Section 22435.1 to facilitate the enforcement of the provisions of California Business and Professions Code
Section 22435 et seq.

B. The applicable provisions of California Business and Professions Code Section 22435 et seq. are as follows:

§ Sec. 22435 Definitions
As used in this chapter:
(a) "Shopping cart" means a basket which is mounted on wheels or a similar device generally used in a
retail establishment by a customer for the purpose of transporting goods of any kind.
(b) (Omitted)
(c) "Parking area" means a parking lot or other property provided by a retailer for use by a customer for
parking an automobile or other vehicle.

§ 22435.1 Application; permanently affixed sign required; contents
The provisions of Section 22435.2 shall apply when a shopping cart...has a sign permanently affixed to it
that identifies the owner of the cart or the retailer, or both; notifies the public of the procedure to be utilized
for authorized removal of the cart from the premises; notifies the public that the unauthorized removal of the
cart from the premises or parking area of the retail establishment, or the unauthorized possession of the
cart, is a violation of state law; and lists a telephone number or address for returning the cart removed from
the premises or parking area to the owner or retailer.

§ 22435.2 Unlawful acts
It is unlawful to do any of the following acts if a shopping cart...has a permanently affixed sign as provided
in Section 22435.1:
(a) To remove a shopping cart from the premises or parking area of a retail establishment with the intent to
temporarily or permanently deprive the owner or retailer of possession of the cart.
(b) To be in possession of any shopping cart that has been removed from the premises or the parking area
of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of
possession of the cart.
(c) To be in possession of any shopping cart with serial numbers removed, obliterated, or altered, with the
intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
(d) To leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(e) To alter, convert, or tamper with a shopping cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(f) To be in possession of any shopping cart while that cart is not located on the premises or parking lot of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

§ 22435.3 Violations; misdemeanor, application of other laws

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. The provisions of this section are not intended to preclude the application of any other laws relating to prosecution for theft.

§ 22435.4 Consent from owner

This chapter shall not apply to the owner of a shopping cart, or to a retailer, or to their agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart or laundry cart or a retailer to be in possession of the shopping cart or laundry cart to remove the shopping cart or laundry cart from the premises or the parking area of the retail establishment, or to do any of the acts specified in Section 22435.2.

§ 22435.5 Presumption and interference; ownership of carts

(a) (Omitted)

(b) In any criminal proceeding, it may be inferred that any shopping cart which has a sign affixed to it pursuant to Section 22435.1 is the property of the person or business named in the sign and has not been abandoned by the person or business named in the sign.

(Code 1965, § 11C-60.)

5.52.020 Recovery of shopping carts by city forces.

A. On and after the effective date hereof, any shopping cart, as defined herein, may be removed from the public right-of-way or public property of the city by any employee of the City of Banning upon actual or constructive notice to the owner that the shopping cart has been in such right-of-way for a period of twenty-four hours. Any shopping cart so removed shall be taken by the employee to the city yard. Such shopping cart shall remain there until claimed by the owner or the owner's authorized agent. Any cart remaining in the city yard for ninety-one or more days or more shall be disposed of as lost property.

B. Before return of the shopping cart to the owner or the owner's agent, such person shall pay to the City of Banning a fee for the recovery and storage of each such shopping cart. The fee shall be in an amount set by resolution of the city council.

(Code 1965, § 11C-62.)

5.52.030 Penalty.

Any owner of a retail establishment providing three or more shopping carts for use by the patrons of the retail establishment, and each manager or person in charge of any retail establishment which provides three or more shopping carts for use by the patrons of the retail establishment, who does not affix and maintain on each shopping cart under their ownership and control the notification specified in California Business and Professions Code Section 22435.1 as set forth herein or as it may be subsequently amended, shall be guilty of a violation hereof. The punishment for such violation shall be as follows:

A. A first violation shall constitute an infraction punishable by a fine not to exceed fifty dollars.

B. A second violation shall constitute an infraction punishable by a fine not to exceed one hundred dollars.
C. A third violation shall constitute an infraction punishable by a fine not to exceed two hundred fifty dollars.

D. A fourth violation shall constitute a misdemeanor punishable by a fine, not to exceed one thousand dollars or six months in jail or both.

E. Each day that each shopping cart shall remain without the notice described in Section 5.52.010 shall constitute a separate violation.

(Code 1965, § 11C-61.)
Attachment 2

(Report from Staff Regarding the Meeting Held with Stakeholders)
City of Banning

SHOPPING CART BUSINESS MEETING

September 24, 2014

Community business owners were invited to attend a meeting to discuss shopping cart issues throughout the community. This meeting occurred Wednesday, September 24, 2014 at 3:00 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA 92220.

**Staff Present:** Acting Community Development Director, Brian Guillot  
Development Project Coordinator, Holly Stuart

**Business Owners and Representatives:**  
Jesus Morfie, Banning Village  
Laura V. Peralta, California Grocers Association  
Jay McCormick, Rio Ranch Market

Acting Community Development Director Brian Guillot provided background on the community shopping cart issue. This item was initially taken to the Planning Commission as a study session on Wednesday, August 6, 2014. As a result, Planning Commission directed staff to me with local businesses in order to identify practical solutions. Acting Director Guillot stated that staff will be preparing an ordinance formalizing the requirements. The statement was made that the Banning Police Department is over obligated and that the department could not focus on the issue. The Acting Director requested that business attendees submit any proposals in writing for the record and inquired if there were any questions.

Laura Peralta commented on what was already being implemented by stores and inquired whether or not the information and discussion from the Planning Commission study session was conveyed to the City Council. Ms. Peralta stated that in her opinion it seemed like Planning Commission was “on board” with provided suggestions and she inquired if that was the case for City Council.

Acting Director Brian Guillot stated that the City already has ordinances addressing this matter but that there is still a problem and that shopping carts need to be picked up. The City needs to work within the constraints of case law and his suggestion was to go to 100% retrieval that will address everyone and questioned if there were any other suggestions that they would like included.

Laura Peralta questioned if there was already a requirement for a retrieval plan and wanted staff to remember that some businesses were not part of the problem. Acting Director Guillot stated that there needs to be an incentive implemented in order to obtain compliance since the Police Department no longer applies pressure to those that are not complying. Guillot made the suggestion that before a business license could be obtained that the business would be required to
have a cart retrieval plan. Ms. Peralta suggested that the City keep the market competitive and allow more than one business to provide retrieval services.

Laura Peralta brought up homelessness and its contribution to the matter. Guillot replied and stated that there are numerous reasons that contribute to the problem. Ms. Peralta wanted to know at what point will those with stolen property, shopping carts, be cited. Guillot responded by stating there is no staff to impose citations. Guillot provided the name of the Chief of Police and stated that they were welcomed to seek his support. Ms. Peralta said it should be a community effort and that the City should be responsible to provide education on the matter.

Acting Community Development Director said he was not sure of the priority of this issue but that business would be kept informed of any proposed actions and that by law, legal notices would be provided.

There being no further discussion, the meeting was adjourned.

Respectfully submitted,

___________________________
Holly Stuart
Development Project Coordinator
Attachment 3

(Resolution No. 1995-150 Setting the Fee for Collection and Storage of Shopping Carts)
RESOLUTION NO. 1995-150

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
SETTING THE FEE FOR COLLECTION AND STORAGE OF SHOPPING CARTS

WHEREAS, at its regular meeting of September 26, 1995 the
City Council of the City of Banning passed and adopted
Ordinance No. 1185 "ORDINANCE OF THE CITY OF BANNING ADDING
SECTION 11C-60 TO THE BANNING ORDINANCE CODE REQUIRING
COMPLIANCE WITH BUSINESS AND PROFESSIONS CODE SECTION
22435.1 ET SEQ. BY OWNERS OF RETAIL ESTABLISHMENTS
PROVIDING SHOPPING CARTS WITHIN THE CITY OF BANNING"; and

WHEREAS, Section 3 of Ordinance No. 1185 add Section 11C-62
of the Banning Ordinance Code, authorizing the removal of
shopping carts from public property and the storage of such
carts at the City Yard. The section further requires the
payment of a fee, in an amount to be set by resolution of
the City Council, by the owner of such carts at the time of
the owner's recovery of the cart from the City.

NOW, THEREFORE, the City Council of the City of Banning does
hereby resolve the following:

Section 1.

The fee to be charged pursuant to Section 11C-62 of the
Banning Ordinance Code is hereby set in the amount of
fifteen dollars ($15.00) per shopping cart recovered by the
owner or the owner's authorized agent. Said fee shall be
paid consistent with procedures to be established by the
City Manager.

Section 2.

All monies derived hereunder shall be deposited in
General Fund Account No. 160-2700-351.35-15 for the
abatement of nuisances.

PASSED, APPROVED, AND ADOPTED this 26th day of September,
1995.
ATTEST:

Marie A. Calderon, City Clerk

APPROVED AS TO FORM AND LEGAL CONTENT:

John W. Wilson, City Attorney

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 1995-150 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 26th day of September, 1995, by the following vote, to wit:

AYES: Councilmembers Hunt, Lewis, Lucsko, Williams, Mayor Smith
NOES: None
ABSTAIN: None
ABSENT: None

Marie A. Calderon, City Clerk
City of Banning, California
Attachment 4

(Business and Professions Code Section 22435-22435.8)
BUSINESS AND PROFESSIONS CODE  
SECTION 22435-22435.8  

22435. As used in this article:  
(a) "Shopping cart" means a basket which is mounted on wheels or a 
similar device generally used in a retail establishment by a 
customer for the purpose of transporting goods of any kind.  
(b) "Laundry cart" means a basket which is mounted on wheels and 
used in a coin-operated laundry or drycleaning retail establishment 
by a customer or an attendant for the purpose of transporting fabrics 
and the supplies necessary to process them.  
(c) "Parking area" means a parking lot or other property provided 
by a retailer for use by a customer for parking an automobile or 
other vehicle.  

22435.1. The provisions of Section 22435.2 shall apply when a 
shopping cart or a laundry cart has a sign permanently affixed to it 
that identifies the owner of the cart or the retailer, or both; 
notifies the public of the procedure to be utilized for authorized 
removal of the cart from the premises; notifies the public that the 
unauthorized removal of the cart from the premises or parking area of 
the retail establishment, or the unauthorized possession of the 
cart, is a violation of state law; and lists a valid telephone number 
or address for returning the cart removed from the premises or 
parking area to the owner or retailer.  

22435.2. It is unlawful to do any of the following acts, if a 
shopping cart or laundry cart has a permanently affixed sign as 
provided in Section 22435.1:  
(a) To remove a shopping cart or laundry cart from the premises or 
parking area of a retail establishment with the intent to 
temporarily or permanently deprive the owner or retailer of 
possession of the cart.  
(b) To be in possession of any shopping cart or laundry cart that 
has been removed from the premises or the parking area of a retail 
establishment, with the intent to temporarily or permanently deprive 
the owner or retailer of possession of the cart.  
(c) To be in possession of any shopping cart or laundry cart with 
serial numbers removed, obliterated, or altered, with the intent to 
temporarily or permanently deprive the owner or retailer of 
possession of the cart.  
(d) To leave or abandon a shopping cart or laundry cart at a 
location other than the premises or parking area of the retail 
establishment with the intent to temporarily or permanently deprive 
the owner or retailer of possession of the cart.  
(e) To alter, convert, or tamper with a shopping cart or laundry 
cart, or to remove any part or portion thereof or to remove, 
obliterate or alter serial numbers on a cart, with the intent to 
temporarily or permanently deprive the owner or retailer of 
possession of the cart.  
(f) To be in possession of any shopping cart or laundry cart while 
that cart is not located on the premises or parking lot of a retail 
establishment, with the intent to temporarily or permanently deprive 
the owner or retailer of possession of the cart.
22435.3. Any person who violates any of the provisions of this article is guilty of a misdemeanor.

The provisions of this section are not intended to preclude the application of any other laws relating to prosecution for theft.

22435.4. This article shall not apply to the owner of a shopping cart or laundry cart or to a retailer, or to their agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart or laundry cart or a retailer to be in possession of the shopping cart or laundry cart or to remove the shopping cart or laundry cart from the premises or the parking area of the retail establishment, or to do any of the acts specified in Section 22435.2.

22435.5. (a) In any civil proceeding, any shopping cart or laundry cart which has a sign affixed to it pursuant to Section 22435.1 shall establish a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the person or business named in the sign.

(b) In any criminal proceeding, it may be inferred that any shopping cart or laundry cart which has a sign affixed to it pursuant to Section 22435.1 is the property of the person or business named in the sign and has not been abandoned by the person or business named in the sign.

22435.7. (a) The Legislature hereby finds that the retrieval by local government agencies of shopping carts specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section.

(b) A shopping cart that has a sign affixed to it in accordance with Section 22435.1 may be impounded by a city, county, or city and county, provided both of the following conditions have been satisfied:

1. The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.

2. Except as provided in subdivision (i), the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the city, county, or city and county of the shopping cart's discovery and location.

(c) In instances where the location of a shopping cart will impede emergency services, a city, county, or city and county is authorized to immediately retrieve the shopping cart from public or private property.

(d) Any city, county, or city and county that impounds a shopping cart under the authority provided in subdivisions (b) and (c) is authorized to recover its actual costs for providing this service.

(e) Any shopping cart that is impounded by a city, county, or city and county pursuant to subdivisions (b) and (c) shall be held at a location that is both:

1. Reasonably convenient to the owner of the shopping cart.
(2) Open for business at least six hours of each business day.

(f) A city, county, or city and county may fine the owner of a shopping cart in an amount not to exceed fifty dollars ($50) for each occurrence in excess of three during a specified six-month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one-day period.

(g) Any shopping cart not reclaimed from the city, county, or city and county within 30 days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the entity in possession of the shopping cart.

(h) This section shall not invalidate any contract entered into prior to June 30, 1996, between a city, county, or city and county and a person or business entity for the purpose of retrieving or impounding shopping carts.

(1) Notwithstanding paragraph (2) of subdivision (b), a city, county, or city and county may impound a shopping cart that otherwise meets the criteria set forth in paragraph (1) of subdivision (b) without complying with the three-day advance notice requirement provided that:

(1) The owner of the shopping cart, or his or her agent, is provided actual notice within 24 hours following the impound and that notice informs the owner, or his or her agent, as to the location where the shopping cart may be claimed.

(2) Any shopping cart so impounded shall be held at a location in compliance with subdivision (e).

(3) Any shopping cart reclaimed by the owner or his or her agent, within three business days following the date of actual notice as provided pursuant to paragraph (1), shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subdivision (d) or (f). Any cart reclaimed within the three-business-day period shall not be deemed an occurrence for purposes of subdivision (f).

(4) Any shopping cart not reclaimed by the owner or his or her agent, within three business days following the date of actual notice as provided pursuant to paragraph (1), shall be subject to any applicable fee or fine imposed pursuant to subdivision (d) or (f) commencing on the fourth business day following the date of the notice.

(5) Any shopping cart not reclaimed by the owner or his or her agent, within 30 days of receipt following the date of actual notice as provided pursuant to paragraph (1), may be sold or disposed of in accordance with subdivision (g).

22435.8. This article shall not invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city, county, or city and county, which ordinance regulates or prohibits the removal of shopping carts or laundry carts from the premises or parking area of a retail establishment except to the extent any provision of such an ordinance expressly conflicts with any provision of this article.
Attachment 5

(Copies City of Riverside and City of San Jacinto Regulations)
Chapter 9.58

LOST, STOLEN, OR ABANDONED SHOPPING CARTS

Sections:

9.58.010 Findings And Purpose.
9.58.020 Definitions.
9.58.030 Enforcement of Chapter.
9.58.040 Required Signs On Carts.
9.58.050 Prohibiting Removal Or Possession Of Abandoned Cart.
9.58.080 Penalties For Failing To Submit A Prevention Plan or Evaluation Report Or To Implement Prevention Measures.
9.58.090 Notification For Retrieval Of Abandoned Carts.
9.58.100 Administrative Costs And Fines.
9.58.110 Disposition Of Carts After Thirty Days.
9.58.120 Exemption.
9.58.130 Businesses Without Carts.
9.58.140 Severability And Validity.

Section 9.58.010 Findings And Purpose.

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the City of Riverside. The accumulation of wrecked, dismantled and abandoned shopping carts on public or private property also tends to create conditions that reduce property values, promoting blight and deterioration in the City. The intent of this Chapter is to insure that measures are taken by store owners to prevent the removal of shopping carts from store premises and parking lots, to make the removal of shopping carts a violation of this Code, and to facilitate the retrieval of abandoned carts as permitted by State law. Further, this Chapter is intended to supplement existing State law regarding shopping carts as set forth in California Business & Professions Code, section 22435, et seq. (Ord. 6820 § 1, 2005; Ord. 6502 § 1, 1999)

Section 9.58.020 Definitions.

a. Cart. Cart shall mean a basket which is mounted on wheels or a similar device provided by a business establishment for use by a customer for the purpose of transporting goods of any kind, including, but not limited to grocery store shopping carts. This definition shall exclude from enforcement under this Chapter those devices which do not have a "basket" mounted on wheels in which goods can be placed for transport.

b. Owner. Owner shall mean any person or entity, who in connection with the conduct of a business, owns, leases, possesses, uses, or otherwise makes any cart available to customers or the public. For purposes of this chapter, owner shall also include the owner's on-site or designated agent that provides the carts for use by its customers.

c. Premises. Premises shall mean the entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the owner for customer parking.

d. Abandoned cart. Any cart that has been removed without written permission of the owner or on-duty manager from the premises of the business establishment, regardless of whether it has been left on either private or public property. Written permission shall be valid for
a period not to exceed 72 hours. This provision shall not apply to carts that are removed for purposes of repair or maintenance.

e. Enforcement personnel. This means any police officer, code compliance officer, or other designated City of Riverside employee designated by the Public Works Department. (Ord. 6820 § 1, 2005; Ord. 6502 § 1, 1999)

Section 9.58.030 Enforcement of Chapter.

The provisions of this Chapter shall be enforced by any enforcement personnel. To the extent otherwise permitted by law, said enforcement personnel may enter onto any public or private property in the City to retrieve, remove, store, and dispose of any lost, stolen, or abandoned shopping cart, or any part thereof. Any act authorized to be performed by the City of Riverside pursuant to any provision of this Chapter may be performed by any enforcement personnel. Any enforcement personnel are authorized to issue an administrative citation upon any owner whom they have reasonable cause to believe has violated any provision of this Chapter. (Ord. 7192 § 1, 2012; Ord. 6820 § 1, 2005; Ord. 6502 § 1, 1999)

Section 9.58.040 Required Signs On Carts.

a. Every cart owned or provided by any business establishment in the City of Riverside must have a sign permanently affixed to it that contains the following information:

1.) Identifies the owner of the cart or the name of the business establishment, or both;

2.) Notifies the public of the procedure to be utilized for authorized removal of the cart from the business premises;

3.) Notifies the public that the unauthorized removal of the cart from the premises or parking area of the business establishment is a violation of State and City of Riverside law;

4.) Lists a telephone number to contact to report the location of the abandoned cart; and

5.) Lists an address for returning the cart to the owner or business establishment.

b. Failure to comply may subject the violator to any civil, criminal, or administrative remedies as provided by law. (Ord. 6820 § 1, 2005; Ord. 6502 § 1, 1999)

Section 9.58.050 Prohibiting Removal Or Possession Of Abandoned Cart.

a. It shall be unlawful to either temporarily or permanently remove a cart from the premises or parking area of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment. Written permission shall be valid for a period not to exceed 72 hours.

b. It shall be unlawful to be in possession of a cart that has been removed from the premises or parking area of a business establishment unless it is in the process of being immediately returned to the owner or business establishment.

c. This section shall not apply to carts that are removed for the purposes of repair or maintenance.

d. Failure to comply may subject the violator of the cart to any civil, criminal, or administrative remedies as provided by law. (Ord. 6820 § 1, 2005; Ord. 6502 § 1, 1999)


Every owner shall develop and implement a specific plan to prevent customers from removing carts from the business premises ("prevention plan"). The prevention plan must
include the following elements and a detailed description of how they will be implemented:

a. Notice to Customers. Written notification shall be provided to customers that removal of carts from the premises and parking lots are prohibited and a violation of state and local law. This notice may be provided in the form of flyers, warnings on shopping bags, or any other form of written notification that will effectively notify customers of the prohibition.

b. Signs. Signs shall be placed in pertinent places near door exits and near parking lot exits that warn customers that cart removal is prohibited and constitute a violation of state and local law.

c. Physical Measures. Specific physical measures shall be implemented to prevent cart removal from the business premises. These measures may include, but are not limited to, disabling devices on all carts, posting of a security guard to deter and stop customers who attempt to remove carts from the business premises, bollards and chains around business premises to prevent cart removal, security deposits required for use of all carts, or the rental or sale of carts that can be temporarily or permanently used for transport of purchases.

d. Evaluation Report. If a prevention plan was in place the previous year, a report shall be submitted to the City evaluating the measures that were used and approved in the prior calendar year. The report shall include, but not be limited to, the inventory of carts owned/used by the business establishment and the number of carts that had to be replaced due to loss, theft or abandonment. (Ord. 7192 § 2, 2012; Ord. 6820 § 1, 2005; Ord. 6502 § 1, 1999)


(a) Existing Owners. The proposed prevention plan for preventing cart removal shall be submitted for approval to the Public Works Director or his/her designee within thirty (30) days of receiving notice from the City that such a plan is required pursuant to this Chapter. An evaluation report shall be submitted by January 1 of each year thereafter.

(b) New Businesses and Change in Ownership. If a new businesses begins conducting business in the City and provides carts to its customers, the new owner shall notify the Public Works Director or his/her designee within thirty (30) days of opening the business to the public and submit a new prevention plan or contract with the City pursuant to Section 9.58.120 for cart retrieval services. If an existing business changes ownership, the new owner shall notify the Public Works Director or his/her designee within thirty (30) days of the change and submit a new prevention plan, agree to adopt the existing prevention plan on file with the City for that business or contract with the City pursuant to Section 9.58.120 for cart retrieval services. An evaluation report shall be submitted by January 1 of each year thereafter.

(c) Approval. Within thirty (30) days of receipt of the prevention plan, the owner shall be notified whether the prevention plan is approved. If the plan is not approved, the notice shall state its reasons and provide recommendations to the owner to ensure plan approval. The owner shall submit a new prevention plan within fifteen (15) days of receiving this notice. Once a prevention plan is approved, the proposed measures shall be implemented by no later than thirty (30) days after City approval is given. If an evaluation report is submitted, the prevention measures shall be continued until and unless the City indicates that a measure(s) needs to be modified. Unless otherwise agreed, any modifications to the plan imposed by the City shall be implemented within thirty (30) days after the City notifies the owner of the needed modifications.

(d) Revocation. If more than sixty (60) carts are retrieved by the City within a six (6) month period, the owner's prevention plan will be revoked upon notification by the City and the owner will be required to submit a new prevention plan to the Public Works Director. Any owner failing to implement the new prevention plan within thirty (30) days of approval, shall be subject to penalties under this Chapter. (Ord. 7192 § 3, 2012; Ord. 6820 § 1, 2005; Ord. 6502
§ 1, 1999)

Section 9.58.080 Penalties For Failing To Submit A Prevention Plan or Evaluation Report Or To Implement Prevention Measures.

Any owner that fails to submit a prevention plan, implement the proposed plan measures, or implement any required modifications to the plan by the City within the time frames specified in this Chapter shall be required to place disabling devices on all carts owned/leased/used by the business to prevent removal of carts from the business premises and parking lots. Any owner that fails to submit an evaluation report or prevention plan as outlined in Section 9.58.060(d) and Section 9.58.070 by January 1 of each year or fails to place a disabling device on all carts, if applicable, shall be subject to a $1,000.00 civil penalty, plus an additional penalty of $50.00 for each day of non-compliance. (Ord. 7192 § 4, 2012; Ord. 6820 § 1, 2005; Ord. 6205 § 1, 1999)

Section 9.58.090 Notification For Retrieval Of Abandoned Carts.

Pursuant to Business and Professions Code Section 22435.7, the City shall notify the owner of any abandoned carts owned or used by the business establishment that have been located within the City of Riverside, if the City intends to impound the cart(s) pursuant to Section 22435.7. The owner shall have three (3) days from the date the notification is given, to retrieve the carts from the City. (Ord. 6820 § 1, 2005)

Section 9.58.100 Administrative Costs and Fines.

Pursuant to Business and Professions Code Section 22435.7, any owner that fails to retrieve its abandoned cart(s) within three (3) days of receiving actual notice from the City, shall pay the City's administrative costs for retrieving the cart(s) and providing the notification to the owner as may be established by resolution of the City Council. Any owner who fails to retrieve abandoned carts in accordance with this Chapter in excess of three times during a specified six-month period, shall be subject to a $50.00 fine for each occurrence. An occurrence includes all carts owned by the owner that are impounded by the City in a one-day period. (Ord. 7192 § 5, 2012; Ord. 6820 § 1, 2005)

Section 9.58.110 Disposition of Carts After Thirty Days.

According to State Law, any cart not reclaimed from the City within thirty (30) days after notification to the owner shall be sold or otherwise disposed of by the City. Any cart that fails to have the identification required by State Law or this Chapter may be sold or otherwise immediately disposed of at the discretion of the City. (Ord. 6820 § 1, 2005)

Section 9.58.120 Exemption.

Any owner may contract with the City for the retrieval of abandoned carts by entering into a written contract to pay the City's fees for such service. Any owner that has a contract with the City to provide for retrieval of abandoned carts, shall be exempt from the Sections 9.58.060 through 9.58.080 of this Chapter. This exemption is valid only if the other provisions of this Chapter are complied with by owner. (Ord. 7192 § 6, 2012; Ord. 6820 § 1, 2005)

Section 9.58.130 Businesses Without Carts.

A business which does not own, rent, lease, or otherwise possess its own carts, but which receives a benefit by the use of carts owned by other businesses, merchants, grocers, or other similar establishments, shall provide a location upon its premises for the storage of carts and shall immediately contact the City's cart retrieval service to retrieve any carts that are left on
the premises. This section specifically applies to recycling centers. (Ord. 6820 § 1, 2005)

Section 9.58.140 Severability And Validity.
If any section, subsection paragraph or sentence of this ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Riverside by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. (Ord. 6820 § 1, 2005)
Chapter 8.48
SHOPPING CARTS

Sections:
8.48.010 Short title.
8.48.020 Findings, declaration of public nuisance, and purposes.
8.48.030 Definitions.
8.48.040 Duties of business owners.
8.48.050 Cart removal prevention plan.
8.48.060 Plan review and determination.
8.48.070 Plan modification.
8.48.080 Cart retrieval.
8.48.090 Cart impoundment by city.
8.48.100 Emergency impoundment by city.
8.48.110 Cost recovery.
8.48.120 Disposal of impounded carts.
8.48.130 Unlawful acts by persons.
8.48.140 Unlawful acts by business owners.

8.48.010 Short title.
This chapter shall be known as the shopping cart control ordinance of the city. (Ord. 09-11 § 1 (part); Ord. 1027 § 1, 1996)

8.48.020 Findings, declaration of public nuisance, and purposes.
The city council finds that laundry carts and shopping carts are being removed from retail businesses and abandoned throughout the city on public and private property, which blight the city, create safety hazards for pedestrians, create potential safety hazards for motor vehicle operators, increase the operating costs of retail businesses and cause the city to expend resources unnecessarily by deploying its employees to retrieve and remove such carts from public and private property. The city council also finds that the accumulation of such carts on public and private property diminishes property values and promotes blight throughout the entire city.

The city council also finds and declares that the conditions created by the removal of laundry carts and shopping carts from retail business premises and the abandonment of such carts throughout the city, on public or private property, constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

The purposes of this chapter are to require business owners that provide laundry carts and shopping carts to their customers to maintain such carts on their business premises, to require business owners to prevent persons from removing such carts from their business premises, to make it unlawful for any person to remove such carts from any business premises, to make it unlawful for any person to abandon such carts onto any public or private property, and to reduce the cost of retrieving
such carts from public and private property to business owners and the city of San Jacinto. (Ord. 09-
11 § 1 (part): Ord. 1027 § 2, 1996)

8.48.030 Definitions.

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning
is intended, certain terms used herein are defined as follows:

"Business owner" means any person, any partner, employee or agent of a partnership, any officer,
director, employee or agent of any corporation who conducts, directs, manages, supervises,
operates, oversees or owns any retail business within the city that uses or locates carts on the
business premises.

"Business premises" means the entire area of any structure or parking lot utilized by a business
owner to conduct its retail business within the city.

"Cart" means a vehicle containing wheels and a basket or other device to carry goods provided by a
business owner to its customers to transport goods upon the business premises.

"Cart identification plaque" means a plate mounted on a cart that contains the name and address of
the business owner owning or using any such cart upon a business premises, the name, address and
phone number of the agent or employee of the business owner pertaining to the cart and an
identifying number of the cart distinct from any other cart so owned or used.

"Cart removal prevention plan" or "plan" means the plan required by Section 8.48.050.

"City manager" means the city manager of the city, his or her designee and/or authorized
representatives of the city manager.

"Containment system" means a device on a cart that prevents it from being removed from a business
premises by locking the wheels of the cart or otherwise prevents the cart's movement, or any other
device or system approved by the city manager that physically contains carts on a business
premises. (Ord. 09-11 § 1 (part): Ord. 1027 § 3, 1996)

8.48.040 Duties of business owners.

A. It is the duty of a business owner to contain carts solely upon the business premises.

B. It is the duty of a business owner to prevent any person from removing any cart from the
business premises except for those persons authorized to remove such carts from the business
premises, such as those authorized to repair the carts.

C. It is the duty of a business owner to affix a cart identification plaque in a secure manner on each
cart used or located upon a business premises.

D. It is the duty of a business owner to submit a cart removal prevention plan and to comply with all
of its provisions including those of any revised, prepared or modified plan authorized by the city
manager.
E. It is the duty of a business owner to permit the city manager to inspect the carts used or located on the business premises in order to ascertain whether each cart contains a cart identification plaque as required by this chapter.

F. It is the duty of every business owner that uses or locates any cart on its business premises to post signs, in the size specified by the city manager, at all entrances and exits to the business premises and parking lots containing the following language:

REMOVAL OF ANY CART FROM THESE PREMISES IS A MISDEMEANOR. S.J.M.C. Section 8.48.130.

(Ord. 09-11 § 1 (part))

8.48.050 Cart removal prevention plan.

A. Each business owner who uses or locates any cart on a business premises shall submit a cart removal prevention plan ("plan") that contains the policies and procedures by which the business owner intends to comply with the purposes and provisions of this chapter.

B. A business owner who intends to commence a business that will use or locate any cart on the business premises shall submit a plan prior to commencing such a business. A business owner shall not commence business unless and until the plan has been approved by the city manager. A business owner shall submit a cart removal prevention plan together with an application for a business license. No business license shall be issued to the business owner unless and until the plan has been submitted and approved.

C. A business owner operating on the effective date of this chapter shall submit a cart removal prevention plan to the city manager no later than sixty (60) days from the effective date of the ordinance codified in this chapter. The city manager shall notify each business owner operating a business on the effective date of ordinance codified in this chapter to submit such a plan and the final date by which the plan must be submitted.

D. A cart removal prevention plan shall describe how the business owner shall comply with the purpose and provisions of this chapter. In addition, the plan shall include, at a minimum, the following elements:

1. Name of Business Owner. The name of the business owner; the physical address where the business is conducted; and the name, address, and telephone number(s) of the business owner and all on-site managers including any changes of such persons.

2. Cart Inventory. A list that contains each cart to be used or located on the business premises and the distinct identification number of each cart.

3. Customer Outreach. A description of the customer outreach process through which the business owner shall notify its customers that removal of any cart from the business premises is prohibited. The outreach shall include, but is not limited to, flyers distributed on the business premises, signs posted in prominent places near doors and parking lot exits, shopping bags, announcements using intercom systems on the premises, website direct mail, and other means demonstrated to be effective to inform the customers that carts may not be removed from the
business premises. Any posting of signs shall comply with applicable provisions of this city’s municipal code or any other city ordinance in effect at the time of their construction and erection.

4. Cart Identification Plaque. A sample of the cart identification plaque described in Section 8.48.030 that will be mounted on each cart that will be used or located on the business premises.

5. Prevention Measures. A description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Such measures may include, but are not limited to, electronic or other disabling devices on any cart so they cannot be removed from the business premises; management practices; use of courtesy clerks to accompany customers and return carts to the inside of the business premises; use of security personnel to prevent removal; security deposits for cart usage; other demonstrably effective measures acceptable to the city manager that are likely to prevent removal of carts from the business premises.

6. Employee Training. A description of the employee training program to be implemented by the business owner that is designed to educate new and existing employees about the cart removal prevention plan; and the date during each quarter of each year that the training program will be administered.

7. Mandatory Cart Retrieval. The procedure by which the business owner will search, find and return carts removed from the business premises. The procedure by which the business owner will retrieve abandoned carts from public or private property when demanded by the city manager within the periods required by Section 8.48.080.

E. Each business owner submitting a cart removal prevention plan shall pay the fee established by the city council, which shall be based on the city’s cost to review, to monitor the cart removal prevention plan and to implement this chapter.

F. Each business owner shall comply with the cart removal prevention plan that it submits to the city manager commencing on the date of its submission, unless amended as set forth in this chapter.

(Ord. 09-11 § 1 (part))

8.48.060 Plan review and determination.

A. Within ten (10) days of submission of a plan, the city manager shall determine whether the plan contains the information required by this chapter. If the city manager determines that the plan is insufficient, the city manager shall return the plan to the business owner together with a written notice of the plan’s insufficiency. The business owner shall submit a corrected plan within ten (10) days of the notice of insufficiency. The city manager shall provide written notice to the business owner to submit a corrected plan within ten (10) days and the penalties for failing to do so.

B. If the city manager deems the plan to contain sufficient information, the city manager may approve, revise or reject the plan; and the city manager shall notify the business owner of such decision within thirty (30) days from the date that the plan was submitted. If the city manager approves or revises the plan, the business owner shall comply with the cart removal prevention plan as approved or revised commencing on the date of the city manager’s notice thereof.
C. The city manager may reject a plan on any of the following grounds:

1. The plan fails to include any material information required by this chapter;
2. The plan would fail to achieve the purposes of this chapter;
3. The plan fails to address any special or unique conditions about the business premises;
4. The plan violates other provisions of the city code or policies of the city;
5. Implementation of the plan would violate provisions of the building, zoning, health and safety, fire or other municipal codes, or any county, state, or federal law which substantially affects public health, welfare or safety; or
6. The business owner has made a false statement of fact, omitted information required for the plan, or omitted any information required by the plan in any addendum or report to the plan.

D. Upon the rejection of a plan, the city manager also may:

1. Order the business owner to submit another plan within ten (10) days; or
2. Prepare a plan and order the business owner to comply with such prepared plan.

E. The city manager shall notify the business owner in writing of the plan rejection, the basis of the plan rejection and any action taken under subsection D of this section. The notice of rejection also shall advise the business owner of the right to appeal the city manager’s actions to the city manager and that the notice of appeal must be filed in writing within ten (10) days and states the basis of the appeal.

F. If the city manager prepares a plan, the business owner shall comply with such prepared plan commencing on the date of the city manager’s notice thereof. (Ord. 09-11 § 1 (part))

8.48.070 Plan modification.

Any time subsequent to the city manager’s approval, revision or preparation of a cart removal prevention plan, the business owner may request a modification of such a plan to address a change in circumstances, an unanticipated adverse physical or economic impact of the plan, or a need to modernize the plan to be more effective or efficient. The city manager also shall have authority to require modifications to a plan when he or she determines that the plan has failed to achieve the purposes and requirements of this chapter or if a business owner fails to implement an approved, revised or prepared plan. (Ord. 09-11 § 1 (part))

8.48.080 Cart retrieval.

A. The city manager may notify a business owner that a cart belonging to the business owner has been discovered on public or private property other than the business premises and request the business owner to retrieve the cart. Whenever the city manager requests a business owner to retrieve a cart prior to one p.m. of any day, the business owner shall retrieve the cart by five p.m. on the same day. Whenever the city manager requests a business owner to retrieve a cart after one p.m. of any day, the business owner shall retrieve the cart by ten a.m. of the next day. If the city manager
requests a business officer to retrieve a cart on a day that the retail business is closed for business, then the business owner shall retrieve the cart by ten a.m. of the next business day.

B. Notification by telephone to the business owner’s telephone number contained on the cart identification plaque shall be deemed sufficient notice to the business owner in the event that no one answers the telephone call placed to the phone number on the cart identification plaque from eight a.m. to five p.m. on any day that the business is open.

C. It is unlawful for a business owner to fail to assign an operator to answer all calls to the telephone number on the cart identification plaque made by the city manager from eight a.m. to five p.m. on any day that the business is open.

D. The city manager is authorized to require a business owner who is requested to retrieve more than three carts within a ninety (90) day period to install a cart containment system.

E. Any cart found on any public or private property on which no cart identification plaque is affixed shall constitute a nuisance and may be retrieved and discarded by the city immediately. (Ord. 09-11 § 1 (part))

8.48.090 Cart impoundment by city.

Any cart found on any public or private property may be impounded by the city manager, provided both of the following conditions have been satisfied:

A. The cart is located outside the business premises of the business owner to which the cart belongs.

B. The cart is not retrieved within three business days from the date the business owner receives notice from the city as set forth in this chapter of the cart’s discovery and location. (Ord. 09-11 § 1 (part); Ord. 1027 § 5, 1996. Formerly 8.48.050)

8.48.100 Emergency impoundment by city.

In instances where the location of a cart will impede emergency services, the city manager is authorized to immediately retrieve the cart from public or private property. (Ord. 09-11 § 1 (part); Ord. 1027 § 6, 1996. Formerly 8.48.060)

8.48.110 Cost recovery.

The city is authorized to recover its actual costs, as determined by the city manager, for providing the impoundment service. Also, the city may fine the business owner of an impounded cart in an amount as shown in the schedule of fines resolution as adopted by the city council, for each occurrence in excess of three during a specified six-month period for failure to retrieve carts in accordance with this section. An occurrence includes all carts impounded in accordance with this section in a one-day period. (Ord. 09-11 § 1 (part); Ord. 1027 § 7, 1996. Formerly 8.48.070)

8.48.120 Disposal of impounded carts.
Any cart not reclaimed from the city within thirty (30) days of receipt of a notice of violation by the business owner of an impounded cart may be sold or otherwise disposed of by the city manager. (Ord. 09-11 § 1 (part)); Ord. 1027 § 8, 1996. Formerly 8.48.080)

8.48.130 Unlawful acts by persons.

It is unlawful for any person to do any of the following acts:

A. To remove a cart from a business premises;
B. To abandon a cart at a location other than a business premises;
C. To be in possession of a cart that has been removed from a business premises or that is not located on a business premises;
D. To be in possession of a cart that does not have a cart identification plaque;
E. To be in possession of a cart on which the information on the cart identification plaque has been altered, defaced or obliterated;
F. To alter, convert, or tamper with a cart, or to remove any part or portion of a cart, or to alter, obliterate, or remove the cart identification plaque. (Ord. 09-11 § 1 (part))

8.48.140 Unlawful acts by business owners.

It is unlawful for a business owner to do any of the following acts:

A. To fail to comply with any duty under Section 8.48.040;
B. To fail to submit a cart removal prevention plan required by Section 8.48.050;
C. To fail to comply with the cart removal prevention plan under Section 8.48.050(F);
D. To fail to submit a corrected cart removal prevention plan within the ten (10) day period required by Section 8.48.060(A);
E. To fail to comply with any cart removal prevention plan required by Section 8.48.080;
F. To fail to comply with a request to retrieve a cart required by Section 8.48.080. (Ord. 09-11 § 1 (part))
Attachment 6

(Memorandum to Code Enforcement dated 1-21-15)
The Community Development Department has been tasked with assisting in developing policy regarding the problem of abandoned shopping carts.

The Planning Commission requested that we meet with businesses and others that are affected by issue. On September 24, 2014, the Community Development Department met with the stakeholders that responded to our invitation and we heard comments from them. Those in attendance are listed as follows:

- Rio Ranch Market
- Banning Village Market
- Laura Peralta, California Grocers Association

The discussion focused on how to improve the retrieval of abandoned shopping carts, existing regulations, and the enforcement of existing regulations. Along with other recommendations, the representative from the California Grocers Association made a specific request that the Police Department enforce regulations related to stolen property (the abandoned shopping carts) in order to improve the situation.

This item will be discussed again at the Planning Commission meeting to be held on February 4, 2015. It is requested that a representative of Police/Code Enforcement be present to address any questions the Planning Commission may have regarding enforcement.
From: Bill Manis
Sent: Monday, July 21, 2014 1:37 PM
To: Zai Abu Bakar
Cc: Homer Croy; Mike West
Subject: Shopping Carts

Zai –

This morning Lt. West and I visited some of the retailers that utilize shopping carts. We had meetings with the managers of Walgreens, Albertsons, Rio Ranch Market, Big Lots, & Dollar General. At each location we outlined the problem the City is experiencing with the shopping carts being taken from the various stores and then being abandoned throughout the City. We informed the store managers that the City is considering updating our existing shopping cart ordinance to address the problem. The individual stores reported the following:

- **Walgreens** – After losing multiple carts over the last several years the store has retrofitted their shopping carts with locking wheels. The retrofit place a locking wheel in the front of each cart that automatically locks if the shopping carts go a specific distance from their building. The perimeter is set to their parking lot boundaries and shopping cart replacements have been reduced substantially. Walgreens has only had 2 carts disappear in the last year. The store manager is open to looking at options that address the problem, but they seem to have the situation addressed.

- **Albertsons** – They have an ongoing problem with shopping carts being taken. The store utilizes a shopping cart recovery service and they get the majority of their carts back. Monthly recovery varies anywhere between 1 cart to 9 carts. The store utilizes a shopping cart recovery service. The store manager is open to looking at options that will address the problem.

- **Rio Ranch Market** – They have an ongoing problem with carts being taken. The store utilizes a shopping cart recovery service and is now locking their shopping carts at night to help address the problem.

- **Big Lots** – This store appears to have the largest shopping cart problem. The store manager has been at the location for approximately 9 months and during that time his shopping cart count has gone from 200 to 10. The store utilizes a shopping cart recovery service, but the manager believes several other retailers in town are stealing the carts, removing identification on the carts, repainting them, and using them. The store manager is open to looking at options that might help to address the problem.
• **Dollar General** – The store manager recently retrofitted the shopping carts with a large piece of PVC pipe that does not allow the shopping cart to leave the interior of the store. Customers take their purchased items from the shopping cart in bags to their vehicle or when they leave. If someone needs assistance or a shopping cart to take to their vehicle one is provided. To date, the new system is working. The store manager is open to looking at options that will address the problem.

After the visitations Lt. West and I drove south of the 10 freeway along Lincoln to look for carts. There were a significant number of shopping carts along Lincoln between 22nd Street and San Gorgonio Ave. The majority of the abandoned shopping carts were from Big Lots. We were also told that the individuals taking the shopping carts, in some cases, are removing the wheels. Lt. West believes the local homeless population is using the wheels on trash cans to move from one location to another. Store managers indicated that their shopping carts range in price from $90 to $200. Some stores buy second hand shopping carts from other stores like Target.

In talking with Lt. West about the next steps you might want to consider allowing businesses several options when developing your updated ordinance. Perhaps one option is making the locking wheel retrofit a requirement by a specific date unless the business agrees to utilize a shopping cart recovery service selected by the City. The City could RFP the services, collect bids from interested vendors, negotiate a single rate (perhaps based on individual cart recovery) and mandate each retailer with shopping carts to pay for the service. This would allow the City to have a single point for the problem and by bidding the process out on an annual basis the cost of services would most likely remain low. Staff would need to run this by legal to make sure we could mandate a single user and to develop the appropriate contract documents. We would also want to make sure the vendor selected provides the following services:

- Daily, or every other day service;
- Shopping carts returned to the place or origin;
- Contents of the shopping carts recovered need to be disposed of appropriately; and
- City Business License required.

Lt. West and I have the contact information for the company that retrofits shopping carts and we have contacts for 3 shopping cart recovery companies too.

Please let me know if you have any questions.

**Bill R. Manis**  
Director of Economic Development/  
Public Information Officer

99 E. Ramsey Street  
Banning, CA 92220  
(951) 922-3181 Direct  
(951) 922-3171 Main  
Website: [www.ci.banning.ca.us](http://www.ci.banning.ca.us)
DATE: February 4, 2015
TO: Planning Commission
FROM: Brian Guillot, Acting Community Development Director
SUBJECT: STUDY SESSION
SIGN REGULATIONS

STAFF RECOMMENDATION: That the Planning Commission,

1. Review the existing regulations, Chapter 17.36 “Sign Regulations,” of the Banning Municipal Code (see Attachment 1), and provide direction to staff regarding possible amendments to the Municipal Code; and

2. Hear a report from staff regarding recommendations from the City’s Sign Advisory Committee, as directed by the City Council (see Attachment 2); and

3. Hear public comments regarding examples of regulations and policies that addresses sign regulations.

BACKGROUND:

During the City Council meeting, on March 25, 2014, former Community Development Director Zai Abu Bakar brought forward the following recommendations:

(1) Hear the presentation from two (2) representatives of the Board of the Banning Chamber of Commerce; and

(2) Form a Sign Advisory Committee that consists of five (5) members to provide input into the reasonable commercial sign standards for the City; and
(3) Direct staff to seek nominations for the Sign Advisory Committee consisting of two (2) business owners and one (1) member of the community at large. This is in addition to the two (2) Board members of the Chamber of Commerce that have been selected.

City Council received a staff report and feedback from the Chamber of Commerce Board representatives on the City’s sign regulations, and the City Council recognized its desire to establish a Sign Advisory Committee. The Chamber of Commerce Board of Directors selected two (2) members of their Board to be their representatives (Oleg Ivashuck and John Salvagio). The City Council selected two (2) members of the City Council (Council Member Don Peterson and Council Member Jerry Westholder) to serve on the Sign Advisory Committee.

Upon the conclusion, the City Council adopted Resolution No. 2014-50 (see Attachment 3) authorizing the formation of a Sign Advisory Committee to advise the City Council regarding the City of Banning sign regulations that will benefit the business community.

The Sign Advisory Committee has conducted meetings twice a month to discuss and provide input into reasonable commercial sign standards for the City. On November 18, 2014, a memorandum with (Attachment 2) a list of recommendations was brought forward for your review from Chairman Oleg Ivaschuk and from the Sign Advisory Committee.

Prepared by:

Sandra Calderon
Development Project Coordinator

Approved by:

Brian Guillot
Acting Community Development Director

Attachments:
1. Chapter 17.36 Sign Regulations
2. Sign Advisory Committee Recommendations
3. City Council Resolution No. 2014-50 Establishing A Sign Advisory Committee
4. Sign Application
Attachment 1

(Chapter 17.36 Sign Regulations)
Chapter 17.36  
SIGN REGULATIONS  

Sections:

17.36.010 Purpose.
17.36.020 Applicability.
17.36.030 Definitions.
17.36.040 Sign permit required.
17.36.050 Exempt signs.
17.36.060 Prohibited signs.
17.36.070 Temporary signs.
17.36.080 Off-site residential subdivision directional signs.
17.36.090 Abatement of abandoned or illegal temporary signs.
17.36.100 Sign construction and maintenance.
17.36.110 Sign regulations.
17.36.120 Sign design guidelines.
17.36.130 Nonconforming signs.
17.36.140 Removal of illegal and nonconforming signs.
17.36.150 Reserved.
17.36.160 Inventory and abatement—Variances—Penalties.
17.36.170 Murals.

17.36.010 Purpose.
The purpose of this chapter is to establish sign regulations that are intended to:

A. Limit and control the location, size, type and number of signs allowed in the City of Banning.

B. To provide for a more orderly display of advertising devices, while implementing community design standards with respect to character, quality of materials, color, illumination and maintenance, which are consistent with the City's General Plan.

C. To bring these advertising devices into harmony with the buildings, with the neighborhood, with the natural environment, and with other signs in the area.

D. To preserve and improve the appearance of the City as a place in which to live and work, and as an attraction to nonresidents who come to visit or trade.

E. To encourage sound signage practices as an aid to business and for the information of the public, while preventing excessive and confusing sign displays.

F. To reduce hazards to motorists, bicyclists and pedestrians.

G. And to promote the public health, safety, views, aesthetic values, and general welfare of the community by regulating and controlling all matters relating to signs. (Zoning Ord. dated 1/31/06, § 9109.01.)

17.36.020 Applicability.
A. This chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established by this Zoning Ordinance, except those signs specifically enumerated in this chapter. The number and area of signs as outlined in this chapter are intended to be maximum standards.

B. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval. (Zoning Ord. dated 1/31/06, § 9109.02.)

17.36.030 Definitions.
Abandoned Sign. Any display remaining in place or not maintained for a period of 120 days or more which no longer advertises or identifies an on-going business, product, or service available on the business premises where the display is located.

Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a simi-
lar to the letter "A". Such signs are usually designed to be auxiliary portable commercial signage, hence they are not considered permanent signs.

**Anchor Tenant.** A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation.

**Animated Sign.** A sign with action or motion, flashing or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags or banners. Said definition shall not include displays such as time and temperature, revolving, changeable copy or public information centers.

**Announcement or Bulletin Board Signs.** Signs permanent in character designed to accept changeable copy, handbills, posters and matters of a similar nature.

**Area of Sign.** The area of a sign shall be the entire area including any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character excluding architectural features or design. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

**Awning, Canopy, or Marquee Sign.** A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee and is only permitted on the vertical surface or flap.

**Banner.** A temporary display such as used to announce open houses, grand openings or special announcements. Often made of cloth, bunting, plastic, paper, or similar material.

**Bench Sign.** Copy painted on any portion of a bus stop or other bench.

**Billboard or Off-Site Sign.** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

**Building Face and/or Frontage.** The length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

**Canopy Sign.** Shall mean a sign attached to either the underside of the canopy, or marquee, or directly to the canopy itself.

**Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

**Civic Event Sign.** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

**Commercial Seasonal Sign.** An "open" or "closed" window sign, posted on a seasonal basis.

**Contractor's Sign/Construction Sign.** A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

**Directional Sign.** Signs limited to on-premises directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

**Directory Sign.** A sign for listing the tenants or occupants and their suite numbers of a building or center.

**Double-faced Sign.** A single structure designed with the intent of providing copy on both sides.

**Eave.** The bottom of the roof overhang or parapet.

**Election Sign.** A temporary sign related to or directly associated with a national, state, county or local election or referendum.
Flags and pennants. Shall mean devices generally made of flexible materials, usually cloth, paper or plastic, and displayed on strings. They may or may not contain copy. This definition shall not include the flag of the United States or of any state.

Flags of the State and Nation. A flag of the United States or the State of California.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. A sign which is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings. Flagpoles are not included in this definition.

Freeway. A highway in respect to which the owners of abutting land have no right or easement of access or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Ground Sign. A display attached to the ground, within an architecturally planned wall or structure, and not over eight (8) feet in height.

Height of Sign. The greatest vertical distance measured from the existing grade at the mid-point of the sign support(s) that intersect the ground to the highest element of the sign.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Identification Sign. A sign attached to the building and displaying only the name, type of business, and/or logo in combination, identifying a particular business establishment.

Illegal Sign. Any of the following: a sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use; a sign that was legally erected, but whose use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than 120 days; a sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished; a sign which is a danger to the public or is unsafe; a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City or County. Abandoned signs and prohibited signs are also illegal.

Illuminated Sign. A sign with an artificial light source, either internal or external, for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital, rest home, or similar institutional facility.

Kiosk. An off-premise sign of no more than four square feet in size, used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Lot or Street frontage. The linear front footage of a parcel of property abutting a dedicated public street.

Logo Sign. An established trademark or symbol identifying the use of a building.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Murals. Painted wall signs which have a majority of the sign area comprised of noncommercial content, which generally have artistic, historic or cultural themes, and which are designed and painted (or supervised) by an artist who possesses demonstrated knowledge and expertise in the de-
sign, materials, and execution of murals or other art. Commercial content of murals shall be subject to all applicable sign limitations of the underlying zone district.

Non-Commercial Sign. A sign which does not promote, identify or sell a business or product.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this chapter. Otherwise conforming signs whose height exceeds the provisions of this chapter only because a special topographical circumstance results in a material impairment of the visibility of the display or the owner's ability to adequately and effectively continue to communicate with the public through the use of the display if the sign were limited to the height allowed in this chapter shall not be considered nonconforming.

Occupancy Frontage. Each individual tenant space within a building or group of buildings which faces upon a dedicated street or public parking area between such space and street.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located. Off-premise sign, billboard, and outdoor advertising structure are equivalent terms.

Open House Sign. A temporary on-site sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Painted Sign. Signs painted on the exterior surface of a building or structure; however, if such signs have raised borders, letters, characters, decorations or lighting appliances, they shall be considered wall signs.

Parcel or lot of real property. A parcel or lot of real property under separate ownership from any other parcel or lot and having street or highway frontage.

Political Sign. A sign other than an election sign directly associated with an ideological, political or similar noncommercial message on a sign.

Portable Sign. A sign that is not permanently attached to the ground or a building.

Projecting Sign. Any sign which is suspended from or supported by a building or wall, and which projects eighteen (18) inches or more outward therefrom.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Public Information Center. Any display which is characterized by changeable copy, letters or symbols.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Revolving Sign. Any sign that revolves, either by wind actuation or by electrical means.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shopping Center. A group of four (4) or more businesses which function as an integral unit on a single parcel or group of parcels and utilize common off-street parking and access and is identified as a shopping center.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected. This definition shall include all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage therefor.

Sign Area. The entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building
shall be measured by the area enclosed by four straight lines outlining each word or grouping of words.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Time and temperature sign. A sign giving the time and or temperature.

Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Tract development sign. A sign indicating the location of a housing tract.

Tract directional sign. An off-premises sign indicating direction to a tract development.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure, on a permanent or temporary basis. (Zoning Ord. dated 1/31/06, § 9109.03; Ord. No. 1382, § 3 (part.).)

(Ord. No. 1424, § 3.1, 7-13-10)

17.36.040 Sign permit required.

A. General.

1. No sign, or temporary sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit or sign program approved by the City. The Community Development Department shall review all signs unless otherwise stated.

2. Sign permits shall be reviewed and either approved or denied by the Director within 30 days of submittal of a complete application. The determination of a complete application shall be in conformance with the California Permit Streamlining Act.

3. Determination on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this chapter.

4. The Director’s determination shall be provided in writing, and shall include an explanation of the reasons for approval or denial. Appeal of the Director’s decision shall be in conformance with Chapter 17.68, Hearings and Appeals.

B. Sign Program. A permit for a sign program shall be required for all new commercial, office, and industrial centers consisting of three or more tenant spaces. The program shall be filed with the project application to construct the center, and shall be processed concurrently with the project application. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This may be achieved by:

1. The use of the same background color, and allowing signs to be of up to 3 different colors per multi-tenant center.

2. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.

3. The use of the same form of illumination of the signs, with internally lit signs generally being preferred by the City due to the lack of overspill from such lighting.

4. Uniform sign placement specifications, letter height, and logo height for both anchor tenants and minor tenants.

5. Logos may be permitted and are not subject to the color restrictions specified in the program. However, no logo should exceed 25% of the allowable sign area. (Zoning Ord. dated 1/31/06, § 9109.04.)
17.36.050  Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

A. Window signs not exceeding one square foot and limited to business identification, hours of operation, address, and/or emergency information. (Neon signs of any size require a permit, if allowed.)

B. Signs within a structure and not visible from the outside.

C. Memorial signs and plaques installed by a civic organization recognized by the Council, when cut in masonry or bronze tablets.

D. Official and legal notices issued by a court or governmental agency.

E. Official flags of the United States, the State of California, County of Riverside, or the City of Banning.

F. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 20 square feet in area and 6 feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.

G. Election Signs. Election signs must comply with the following requirements:

1. Election signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.

2. No election signs shall be permitted on public property or in the public right-of-way.

3. There are no pre-election restrictions limiting when election signs may be erected, but the owner of the sign must remove the sign within seven days after the applicable election has ended.

4. For all election signs, the campaign shall be deemed the owner of the sign unless it can establish that it is not the owner of the sign. In the event the campaign establishes it is not the owner of the sign, the owner of the property on which the sign is placed, shall be deemed the owner of the sign.

5. In the event that any such sign violates the provisions of this chapter, or if it is not removed within the period provided hereunder, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.

6. Except as provided in this subsection, no permit shall be required for election signs.

H. Real estate signs for residential sales shall be one sign not exceeding four square feet in area and five feet in height, provided it is unlit and is removed within 7 days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property offered for sale.

I. Real estate signs for the initial sale, rental, or lease of commercial and industrial premises: One sign not to exceed 20 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or 12 months, whichever comes first. Thereafter, one sign per premise not to exceed 12 square feet in size and five feet in height is permitted for the sale, lease or rent of the premise.

J. Future tenant identification signs: One wall or freestanding sign may be placed on vacant or developing property to advertise the future use of an approved project on the property and where information may be obtained. Such sign shall be limited to one sign, a maximum of 20 square feet in area and eight feet in overall height. Any such signs shall be single faced and shall be removed prior to the granting of occupancy permit by the City.

K. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels, showing notices of services provided or required by law,
17.36.050

trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:

1. The signs number no more than three.
2. No such sign projects beyond any property line.
3. No such sign shall exceed an area per face of three square feet.
4. Signs may be double-faced.
5. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
6. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 10 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than six feet.
7. Sign programs which have been approved prior to the adoption of this Zoning Ordinance.
8. Municipal and traffic control signs: Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area which does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained. Directional signs to the railway, the airport or the highway are among the types of signs which fall in this category.
9. Temporary window signs may be permitted on the inside of windows facing out which do not cover more than 25% of the individual window surface for a period not to exceed 30 days use during any 60 day period. Temporary painted signs may be on the outside of the window.
10. Historic site and historic landmark, and neighborhood signs, when designed in conformance with standards of the California Historic Commission or a similar entity.

R. Professionally made restroom, telephone and walkway signs of under one square foot.
S. Emblems or signs of a political, civic, philanthropic, educational or religious organizations, if those signs are on the premises occupied by such organizations, and do not exceed 24 square feet in area, or number more than one emblem or sign in total.
T. Political Signs. Political signs must comply with the following requirements:
1. Political signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.
2. No political signs shall be permitted on public property or in the public right-of-way.
3. In the event that any such sign violates the provisions of this chapter, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.
4. Except as provided in this subsection, no permit shall be required for political signs. (Zoning Ord. dated 1/31/06, § 9109.05.) (Ord. No. 1424, § 3.2, 3.3, 7-13-10)

17.36.060 Prohibited signs.
The following signs are inconsistent with the sign standards set forth in this chapter, and are therefore prohibited:

A. Abandoned signs.
B. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign, except electronic message boards.
C. Banners, flags, and pennants, except with Temporary Use Permit.
D. Billboards.
E. Chalkboards or blackboards.
F. Changeable copy signs and electronic message boards, except as allowed by a Conditional Use Permit for movie theaters, arenas, stadiums, or auto malls in the commercial land use districts.
G. Reserved.
H. Off-site signs, except as permitted elsewhere in this ordinance.
I. Permanent sale signs.
J. Portable signs or A-frame signs.
K. Roof signs.
L. Signs on public property or the public rights-of-way, except for traffic regulation and signs permitted by a governmental agency.
M. Signs painted on fences or roofs.
N. Balloons and other inflated devices or signs designed to attract attention, except with Temporary Use Permit.
O. Signs that are affixed to vehicles, excluding permanent signs on commercial vehicles which are driven on a daily or weekly basis.
P. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
Q. Signs which singly or in combination with other signs block more than 5% of the view from any window or door of any structure or dwelling used primarily as a residence.
R. Signs which singly or in combination with other signs, for any portion of the day, block natural sunlight from falling upon any window or door of any structure or dwelling used primarily as a residence.
S. Signs which singly or in combination with other signs block more than 10% of the view from any window or door of any structure used or occupied by people for more than an hour of a typical day, in all zoning districts of the City. (Zoning Ord. dated 1/31/06, § 9109.06; Ord. No. 1377, § 1.)
(Ord. No. 1424, § 3.4, 7-13-10; Ord. No. 1447, § 3, 2-14-12)

17.36.070 Temporary signs.

Special event signs and civic event signs may be approved by the Director for a limited period of time as a means of publicizing special events such as grand openings, carnivals, parades, charitable events and holiday sales. Such special event signs shall be limited to the following provisions:
A. No special event sign shall be erected without a temporary use permit.
B. Special event signs shall be limited to 90 days per event from the date of erection or date of permit, whichever occurs first.
C. Special event signs shall not include promotional sales signs, and they must be taken down within a week after the conclusion of the special event.
D. Special event signs may include balloons, inflated devices, search lights, beacons, pennants, and streamers.
E. Such temporary signs may not be granted to the same business or location more than twice during any one year.
(Zoning Ord. dated 1/31/06, § 9109.07; Ord. No. 1448, § 9, 5-8-12)

17.36.080 Off-site residential subdivision directional signs.

The following shall regulate and establish a standardized program of off-site residential subdivision directional kiosk signs for the City. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.
A. No kiosk sign structure shall be located less than 300 feet from an existing or previously approved kiosk site, except in the case of signs on different corners of an intersection.
B. The placement of each kiosk sign structure shall be reviewed and approved by the Director.
C. All kiosk signs shall be placed on private property with written consent of the property owner.
D. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a sign permit.

(Banning Supp. No. 22, 6-12)
E. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the kiosk signs as originally approved, no other non-permitted directional signs, such as posters or trailer signs, may be used.

F. All non-conforming subdivision kiosk directional signs associated with the subdivision in question must be removed prior to the placement of directional kiosk sign(s).

G. Kiosk signs, or attached project directional signage, shall be removed when the subdivision is sold out. The applicant (or his/her legal successors) will be responsible for removal of panels and structures no longer needed. (Zoning Ord. dated 1/31/06, § 9109.08.) (Ord. No. 1424, § 3.5, 7-13-10)

17.36.090 Abatement of abandoned or illegal temporary signs.

A. Every temporary sign not owned by the property owner of the property on which it is erected shall be marked to indicate on the sign the identity of the sign owner, provided that for any commercial sign where not otherwise indicated it shall be presumed that the business being advertised is the owner.

B. Any abandoned or illegal temporary sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Banning. Any sign which is (i) in deteriorating condition and not maintained in the condition in which it was originally installed, (ii) violates conditions of the sign permit, or (iii) is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the Banning community. Such signs may be abated as provided in this chapter.

C. Any such signs as set forth above are hereby deemed to be a public nuisance. Any such sign, including any and all structural supports, shall be removed by the property owner within ten days after notice from the director, which notice shall provide an opportunity to be heard before the director on the abandonment and nuisance decision and an appeal may be taken pursuant to chapter 17.68. Any sign not removed within ten days after such notice, may be abated by the director if no appeal has been taken from the director's decision, or, if the appeal has been denied or modified. If after a reasonable effort to determine the owner of the sign, the owner cannot be found, then the city may summarily remove the sign and the same shall be stored for a period of thirty days, during which time they may be recovered by the owner.

D. Costs of an abatement conducted pursuant to this chapter shall be assessed against the owner of the sign, and to the extent permissible under law, against the owner of the property, using the procedures established in the Banning Municipal Code. (Zoning Ord. dated 1/31/06, § 9109.09.) (Ord. No. 1424, § 3.6, 7-13-10)

17.36.100 Sign construction and maintenance.

A. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code.

B. Every sign, including those specifically exempt from this Zoning Ordinance, in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance and penalties may be assessed in accordance with the provisions of these zoning ordinances. (Zoning Ord. dated 1/31/06, § 9109.10.)

17.36.110 Sign regulations.

Signs permitted in each of the City's land use districts are identified below. In addition to the
following regulations, all signs must be in compliance with all other provisions of this chapter pertaining to signs.

Signs may have commercial or non-commercial messages. A non-commercial message may be substituted for the copy of any commercial sign allowed by this chapter.

A. Signs in Residential Zones.

1. Up to one flagpole, displaying the flag of the US or the State of California, up to 35 feet in height, unless a permit is obtained from the City to have a flagpole in a private park or public park for up to 65 feet in height.

2. For single family homes, the following are allowed:
   a. Up to one sign not to exceed one square foot in area, identifying the address;
   b. Up to one utili sign not to exceed four square feet in area, pertaining to the rental, sale or lease of the property on which the sign is located. Such signs must be temporary, and may contain no flashing, blinking or reflective objects.

3. For apartment complexes and multifamily developments, the following are allowed:
   a. Sign(s) containing the name and/or address of the development, providing that the combined area of such signs is not exceeded as established below:
      i. Up to one wall sign
      ii. Up to one freestanding sign per street frontage (which shall be in a landscaped area at least 15 feet from the curb face, and not closer than five feet to the property line. Freestanding signs shall have a maximum height of eight feet inclusive of supporting structures.
      iii. The maximum combined area of the signs set forth above shall not exceed 20 square feet, for complexes with 125 feet of frontage or less, and shall not exceed 30 square feet for complexes with over 125 square feet of frontage.

4. For properties in the residential zones where farming takes place, lots may have one sign per street frontage (up to a maximum of two signs) advertising only the agricultural products grown on the premises. These signs may not be illuminated, and may be either free standing or wall signs. For lots of two acres or less, each sign may be a maximum of four square feet. For lots over two acres, each sign may be a maximum of ten square feet.

5. No neon signs are permitted in residential areas.

B. Signs in Commercial and Industrial Zones.

1. No sign attached to a structure shall be placed above the roof line.

2. Wall signs. Each business shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage, and shall not exceed 50 square feet of sign area. The 50 square feet of sign area maximum for wall signs shall not apply to a freeway-oriented wall sign proposed to be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp and advertising onsite retail or service-oriented businesses. Freeway-oriented wall signs shall be subject to all requirements of section 17.36.110(B)(6), including requiring the approval of a conditional use permit.

3. Monument signs. Each parcel or property shall be permitted one monument sign subject to all of the following conditions being met:
   a. One square foot of sign area for one foot of building frontage is permitted. Such sign shall not exceed 50 square feet.
   b. The buildings must be set back at least 25 feet from the property line.
   c. The monument sign shall be located in a landscaped planter area not less than 50 square feet, with one dimension being at least four feet.
   d. The monument sign may be no more than 8 feet high.
   e. Shopping centers may have one monument sign not to exceed one square foot of display face per one foot of building frontage, not to exceed 100 square feet, for center identification. Said sign may include reader panels, and or a bulletin or a changeable copy pane.
4. Painted signs. Each business shall be permitted painted signs subject to the following conditions:
   a. Said signs shall be in combination with or in lieu of wall signs.
   b. The area of said painted sign shall be deducted from the total allowable wall sign.
5. Accessory signs. Signs denoting credit cards, hours of operation, etc., shall be allowed but shall not exceed three square feet in total area.
6. Freeway-Oriented Freestanding Sign. Freeway-oriented freestanding signs shall be allowed subject to the following requirements:
   a. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.
   b. Said signs shall be limited to on-site retail or services businesses. Shopping centers may have one freeway-oriented sign and shall include city identification or city logo as approved by planning commission. Said city identification or logo shall be included in the display face area calculation. When the display area of the sign is used for commercial speech, the copy must qualify as onsite to the business or shopping center.
   c. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the planning commission with evidence to assure satisfactory compliance with this requirement.
   d. Said sign shall be located in a planter area not less than fifty square feet with one dimension being at least six feet, unless from the evidence presented to the planning commission it can be determined that the area is not visible from public street or right-of-way, or the absence of the planter shall not be detrimental to the appearance of the area.
   e. Said sign shall not exceed an overall height of fifty-five feet.
   f. Said sign shall not exceed one hundred seventy-five square feet per display face.
   g. Said sign shall require approval of a conditional use permit. In addition to satisfying requirements set forth above in this section 17.36.110(B)(6) of the Bonnyville Municipal Code, the following findings must be made prior to approval of a conditional use permit for a freeway-oriented freestanding sign, without consideration of message content of the proposed signs:
      i. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.
      ii. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.
      iii. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.
      iv. The needs of the traveling public for identification and directional information justifies the sign requested.
   7. One flag pole, displaying one or more flags of the state and nation, not to exceed 35 feet in height.
   8. Any existing freestanding sign shall be considered legal and conforming, but shall not be altered or replaced except by approval of a conditional use permit.

(Zoning Ord. dated 1/31/06, § 9109.11; Ord. No. 1377, § 2)
(Ord. No. 1419, § 5, 1-26-10; Ord. No. 1424, § 3.7, 7-1-10; Ord. No. 1447, §§ 3—6, 2-14-12)

17.36.120 Sign design guidelines.

A. General. The following design guidelines shall be consulted prior to developing signs for any project. Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived, the Mayor and City Council shall be
notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

1. Use a brief message: The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner and is more attractive.

2. Avoid hard-to-read, overly intricate typefaces: These typefaces are difficult to read and reduce the sign’s ability to communicate.

3. Avoid faddish and bizarre typefaces: Such typefaces may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

4. Sign colors and materials: Should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Day-glo colors must be avoided.

5. Use significant contrast between the background and letter or symbol colors: If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.

6. Avoid too many different colors on a sign: Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.

7. Place signs to indicate the location of access to a business: Signs should be placed at or near the entrance to a building or site to indicate the most direct access to the business.

8. Place signs consistent with the proportions of scale of building elements within the facade: Within a building facade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area, but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.

9. Place wall signs to establish rhythm across the facade, scale and proportion where such elements are weak. In many buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

10. Avoid signs with strange shapes: Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.

11. Carefully consider the proportion of letter area to overall sign background area: If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than 75% of the sign panel area.

12. Make signs smaller if they are oriented to pedestrians: The pedestrian-oriented sign is usually read from a distance of 15 to 20 feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign’s viewing distance, the smaller that sign need be.

B. Wall or Fascia Signs

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers, offices, and other similar facilities are required to be part of a sign program in accordance with the provisions of this chapter.

2. Where there is more than one sign, all signs should be complementary to each other in the following ways:
   a. Type of construction materials (cabinet, sign copy, supports, etc.)
   b. Letter size and style of copy
   c. Method used for supporting sign (wall or ground base)
   d. Configuration of sign area
   e. Shape to total sign and related components

3. The use of graphics consistent with the nature of the product to be advertised is encouraged, i.e., hammer or saw symbol for a hardware store, mortar and pestle for a drug store.
4. Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright. The use of can-type box signs with translucent backlit panels are less desirable. Panels should be opaque if a can-type sign is used and only the lettering should appear to be lighted. The overspill of light should be negligible.

5. The use of backlit individually cut letter signs is strongly encouraged.

6. The use of permanent sale or come-on signs is prohibited.

7. The identification of each building or store's address in 6 inch high numbers over the main entry doorway or within 10 feet of the main entry is encouraged.

C. Monument Signs.

1. Monument signs are intended to provide street addresses, and identification for the commercial center development as a whole and for up to three major tenants.

2. All tenant signs should be limited in size to the width of the architectural features of the sign and shall be uniform in size and color.

3. A minimum of 10% of the sign area of monument signs for center developments should be devoted to identification of the center or building by address or name.

4. Monument signs should be placed perpendicular to approaching vehicular traffic.

5. Each monument sign should be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign, incorporating the following ratio of landscape area to total sign area:
   a. Monument: 4 square feet of landscaped area for each square foot of sign area (1 side only).
   b. Directory: 2 square feet of landscaped area for each square foot of sign area. (Zoning Ord. dated 1/31/06, § 9109.12.)

17.36.130 Nonconforming signs.

A. A legally established sign which fails to conform to this chapter shall be allowed continued use, except that the sign shall not be:

1. Structurally altered so as to extend its useful life.

2. Expanded, moved, or relocated.

3. Re-established after a change in use.

4. Re-established after a business has been abandoned for 120 days or more.

5. Re-established after damage or destruction of more than 50%.

B. Sign copy and sign faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.

C. Any non-conforming sign shall be required to be brought into conformance or abated. (Zoning Ord. dated 1/31/06, § 9109.13.)

17.36.140 Removal of illegal and nonconforming signs.

A. The Director shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this chapter, after 30 days following the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address.

B. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within 30 days. If the owner disagrees with the opinion of the Director, the owner may, within the said 30 day period request a hearing before the Planning Commission to determine the existence of a violation.

C. If salvageable in the opinion of the Director, signs removed by the Director pursuant to this chapter shall be stored for a period of 60 days, during which time they may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the 60 day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest to the City, and the cost of removal shall be billed to the owner or lien placed on the property upon which said sign was erected. (Zoning Ord. dated 1/31/06, § 9109.14.)
17.36.170 Murals.

Murals shall be allowed by permit reviewed by the beautification and mural council of the Banning Chamber of Commerce and permitted by the city's community development department. Applications shall be on a form devised by the community development department. A permit for a mural will be granted when the following conditions have been satisfied:

A. Completed application;
B. Sign permit fee paid;
C. Approved by the beautification and mural council of the Banning Chamber of Commerce;
D. The mural shall not cause a pedestrian or vehicular safety hazard;
E. The mural shall be applied to the wall of a building; and
F. The mural shall be maintained. (Ord. No. 1382, § 3 (part).)
Attachment 2

(Sign Advisory Committee Recommendations)
CITY OF BANNING

MEMORANDUM

DATE: November 19, 2014
TO: Planning Commissioners
FROM: Chairman Oleg Ivaschuk and Sign Advisory Committee
RE: CHAPTER 17.36, SIGN REGULATIONS

The Sign Advisory Committee (SAC) recommends the following:

1. Increase window sign limitations that do not require a permit from one square foot to two square feet in order to identify the business, hours of operation, address, and/or emergency information (Chapter 17.36.050, §A).

2. Allow banners, flags, and pennants throughout the City on Commercial Properties excluding the Downtown Commercial, and shall be at least 50 ft. from a Residential Property (Chapter 17.36.060, §C).

3. Allow chalkboards or blackboards signs in Commercial Zoned Properties (Chapter 17.36.060, §E).

4. Allow changeable copy sign boards with size limitations up to 50 sf. (Chapter 17.36.060, §F).

5. Allow portable and “A” frame signs in the Downtown Commercial area, shall not pose a hazard to pedestrians, and be stable under all-weather conditions or removed (Chapter 17.36.060, §J).

6. Allow larger window Signs that block up to 33% for solid lettering (or up to 50% if perforated vinyl window sign) of the view (Chapter 17.36.060, §8).

7. Signs in the Downtown Commercial area will be made available at a prorated rate (i.e. 5 square feet for $100.00).

8. Improve the sign application so that it is more user friendly by adding menus.

9. For wall signs, allow 20% of the wall space for any given wall.

[Signature]
Chairman Oleg Ivaschuk
Sign Advisory Committee

Our Mission as a City is to provide citizens a safe, pleasant and prosperous community in which to live, work and play. We will achieve this in a cost effective, citizen friendly and open manner.
Attachment 3

(City Council Resolution No. 2014-50 Establishing A Sign Advisory Committee)
RESOLUTION NO. 2014-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA ESTABLISHING A SIGN ADVISORY COMMITTEE

WHEREAS, on March 25, 2014, the City Council received a staff report and feedback from the Chamber of Commerce Board representatives on the City’s sign regulations and believes that creating a Sign Advisory Committee to act in an advisory capacity to the City Council on matters pertaining to the City’s sign regulations will provide a forum for this input; and

WHEREAS, at the March 25, 2014 City Council meeting, the City Council recognized its desire to established a Sign Advisory Committee; and

WHEREAS, the Chamber of Commerce Board of Directors selected two members of their board to be their representatives – Oleg Ivaschuk and John Salvaggio; and

WHEREAS, the City Council selected two members of the City Council – Council Member Don Peterson and Council Member Jerry Westholder to serve on the Sign Advisory Committee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the formation of a Sign Advisory Committee to advise the City Council regarding the City of Banning sign regulations that will benefit the business community.

SECTION 2. The City’s ad hoc Sign Advisory Committee shall operate in accordance with the City’s “Manual of Procedural Guidelines” and be organized as follows:

(a) Purpose of the Committee: The committee shall be an ad hoc short term advisory body to the City Council on current issues relating to the City of Banning sign regulations pertaining to business signs in the commercial and industrial zones. The committee shall identify existing issues in the City’s sign code and develop sign regulations that are reasonable and responsive to the advertisement needs of the business community. The committee shall report its conclusions and recommend actions to the City Council for its determination as to ultimate action within the period provided herein. It is the goal that this report be prepared within 6-8 months.

(b) Composition and Qualifications: The committee shall consist of seven (7) members consisting of two (2) business owners or their designated representatives whose businesses have business licenses to conduct business in the City, one (1) member of the community at-large, two (2)
members from the Chamber of Commerce, which representatives are hereby designated as Oleg Ivaschuk and John Salvagio, and two (2) City Council representatives, which representatives are hereby designated as Councilmembers Peterson and Westholder. To qualify for appointments as the two (2) business and one (1) residential community members, a completed Application for Committee and Board must be submitted to the City Clerk no later than July 31, 2014.

(c) **Term of Members:** It is the goal that the report be prepared within 6-8 months. Nevertheless, each appointed member shall serve a one-year term beginning August 15, 2014 and ending September 15, 2015 or until such period until the Council shall adopt any final ordinance based on the recommendations. Once the final recommendation is made, the Committee is automatically dissolved.

(d) **Other Committee Activities:** The committee may assist in the recommendation for fees for the sign applications.

(e) **Meeting Schedule:** The committee shall meet regularly no less than once per month, the schedule for such regular meetings to be set by the Sign Advisory Committee by resolution at its first meeting.

(f) **Open Meetings Subject City’s Procedural Rules:** The Sign Advisory Committee meetings are subject to the Brown Act and such meetings shall be conducted in accordance with the City’s “Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning”.

(g) **Additional Committee Procedures:**

1) **Quorum.** The majority of the Committee members eligible to vote on governing decisions of the Sign Advisory Committee shall constitute a quorum. Where there is no quorum, the Chairperson, or Vice-Chairperson, or any member of the Committee shall announce that no meeting will be held due to the lack of a quorum and announce the date of the next regular meeting, or if no member of the Sign Advisory Committee is present, the City Clerk or a member of the City staff shall make such an announcement.

2) **Agenda.** The City Manager or his or her designee shall prepare the agenda for the meeting. Only items within the Scope of Responsibilities of the Sign Advisory Committee shall be put on the agenda.
3) **Public Comments.** Any individual or group may address the Sign Advisory Committee on any item on the agenda or within the Scope of Responsibilities of the Sign Advisory Committee.

4) **Minutes.** The minutes of the Sign Advisory Committee meetings shall be kept by the Committee Secretary.

5) **Presiding Officer.** The majority of the Committee members shall select a chair and vice-chair. The Chairperson shall preside at all meetings of the Sign Advisory Committee.

6) **Ex Parte Communications.** Individual Committee members are encouraged to engage the citizens of the City in discussions both during and outside of public meetings to discuss ideas and potential changes to the Charter. However, under no circumstances is any Committee member to take any action or make any representation committing the entire Sign Advisory Committee without express authority of the majority the Committee.

7) **Robert's Rules of Order.** If a matter arises which is not covered by these Procedural Rules and Guidelines, applicable provisions of federal or state law or City of Banning Municipal Code, the procedures of the Sign Advisory Committee shall be governed by the latest edition of Robert's Rules of Order.

**PASSED, APPROVED AND ADOPTED** this 24th day of June 24, 2014.

Signed: ____________________________
Deborah Franklin, Mayor
City of Banning

**ATTEST:**

Signed: ____________________________
Marie A. Calderon, City Clerk
City of Banning

**APPROVED AS TO FORM**

**AND LEGAL CONTENT:**

Signed: ____________________________
David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

Reso. No. 2014-50
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2014-50 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of June, 2014, by the following roll call vote, to wit:

AYES: Councilmembers Miller, Peterson, Welch, Westholder, Mayor Franklin

NOES: None

ABSENT: None

ABSTAIN: None

[Signature]
Marie Calderon, City Clerk
City of Banning, California
Attachment 4

(Sign Application)
SIGN APPLICATION CHECKLIST

(Wall Signs, Monument Signs, Window Signs, and Painted Signs)

The purpose of sign regulations is to limit and control the location, size, type and number of signs allowed in the City of Banning; to provide for a more orderly display of advertising devices, while implementing community design standards with respect to character, quality of materials, color, illumination and maintenance, which are consistent with the City's General Plan; to preserve and improve the appearance of the City as a place in which to live and work, and as an attraction to nonresidents who come to visit or trade.

It may be beneficial for the applicant to confer with a Planner and the Building & Safety Division prior to submitting a sign application. Refer to Chapter 17.36 of the Banning Municipal Code for specific sign regulations.

Fee: Planning Review $537.00
Building & Safety Review (signs that require building permits) $245.00 to $511.00, or more

A permit is usually required from the Building & Safety Division for the mechanical and electrical parts of the sign installation. For additional information you may telephone (951) 922-3132.

Sign Area is calculated as follows: The entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by four straight lines outlining each word or grouping of words.

Please Note: the maximum square footage of a sign shall not exceed one square foot of sign area per one foot of building frontage up to 50 square feet maximum.
Signs in Commercial and Industrial Zones shall conform to the following:

1. No sign attached to a structure shall be placed above the roof line.
2. Wall signs. Each business shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage, and shall not exceed 50 square feet of sign area.
3. Monument signs. Each parcel or property shall be permitted one monument sign subject to all of the following conditions being met:
   a. One square foot of sign area for one foot of building frontage is permitted. Such sign shall not exceed 50 square feet.
   b. The buildings must be set back at least 25 feet from the property line.
   c. The monument sign shall be located in a landscaped planter area not less than 50 square feet, with one dimension being at least four feet.
   d. The monument sign may be no more than 8 feet high.
   e. Shopping centers may have one monument sign not to exceed one square foot of display face per one foot of building frontage, not to exceed 100 square feet, for center identification. Said sign may include reader panels, and or a bulletin or a changeable copy pane.

Submittal Requirements:
Provide the following information and attach to the application submittals. The drawings shall be prepared by a professional architect, engineer, draftsperson, or other qualified professional using a standard architectural or engineering scale. Check the box of each requirement after completion to ensure all requirements have been fulfilled.

☐ 1. Completed Sign Application form, including the following information (additional information may be attached to the Sign Application if necessary):
   - Site Plan/Elevation drawings 11” x 17” - Provide 3 complete sets of the site plan, elevations, and conceptual landscaping/lighting plan if applicable. The location of the existing and proposed signs shall be clearly delineated on both the site plan and elevations. Photo simulations may be required in connection with submittals that are view sensitive or are subject to screening requirements as outlined in the development standards of the City’s Zoning Code. All full size plans must be collated, stapled, and individually folded to a uniform size (9”x 12” maximum) prior to submittal.
   - Sign drawings 11” x 17” – Provide 3 complete sets of sign drawings specific to each proposed sign type. The drawings shall include the dimensions for length, width, and depth; the graphic elements including proposed colors; sign type such as “channel”, “painted”, or “cabinet”; and, a list of proposed materials. If the sign is to be illuminated the drawings shall identify the type of illumination proposed along with the estimated illumination levels. It may be necessary for the applicant to submit samples of materials and colors, if requested.
   - Written approval, signed and dated by the owner of the property permitting the processing of this application (only required if the application is processed by someone other than the property owner). If the owner/applicant is represented by an agent, written approval from the owner/applicant authorizing the agent shall also be included with the application.
   - Color photographs of existing building elevations and any existing signs.

The Planning Division will be unable to begin processing your Sign Application unless/until all of the information requested is completed and submitted with the required processing fees. Incomplete applications will be returned to the applicant and processing will not commence until all of the required information is provided. Signing and dating of the application acknowledges your understanding of the application requirements and that submitting an incomplete application will cause delays. Subsequent to deeming an application complete, the processing of a sign application generally takes approximately 10 working days. If you have any questions, please contact the Planning Division at (951) 922-3125.
## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Project Location:</th>
<th>Staff Use Only</th>
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<tbody>
<tr>
<td>Assessor’s Parcel No(s):</td>
<td>File No:</td>
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<tr>
<td>Legal Description (attach exhibits if necessary):</td>
<td>SR #</td>
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<tr>
<th>Applicant’s Name:</th>
<th>Phone Number:</th>
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<td>Address, City, Zip:</td>
<td>FAX Number:</td>
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<tr>
<th>Legal Owner’s Name (if different from above):</th>
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<tr>
<td>Address, City, Zip:</td>
<td>FAX Number:</td>
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### Type of Review Requested (Please Check All Applicable Boxes):

- [ ] Sign Program
- [ ] Window Sign
- [ ] Freeway Oriented Sign-Wall
- [ ] Wall Sign
- [ ] Monument Sign
- [ ] Freeway Oriented Sign-Freestanding
- [ ] Subdivision Kiosk Sign(s)
- [ ] Multi-family Residential Sign

**APPLICANTS/OWNERS CERTIFICATION:**

I certify under penalty of perjury that the information submitted by the applicant is true and correct; that any false or misleading information shall be grounds for denial of the application.

<table>
<thead>
<tr>
<th>Date:</th>
<th>Applicants Signature:</th>
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<tr>
<td>Print Name and Title:</td>
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<thead>
<tr>
<th>Date:</th>
<th>Property Owners/Agents Signature:</th>
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<tr>
<td>Print Name and Title:</td>
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### Date Received | Time Received | Fees Received | Receipt No. | Received By |
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### SIGN APPLICATION

**Description of Proposed & Existing Signs**

**Part 2**

| Building Frontage is: ____________ linear feet. |

(Please type or print clearly using ink.)

<table>
<thead>
<tr>
<th>Proposed Signs (P)</th>
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<tbody>
<tr>
<td><strong>Sign Number</strong></td>
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<tr>
<td>1.</td>
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<td>2.</td>
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<tr>
<td>3.</td>
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<td>4.</td>
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¹Type means “wall”, “monument”, “window”, “freestanding”, etc.
²Height means the vertical distance from the highest point of the sign to the surface of the ground directly adjacent to the sign.

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<thead>
<tr>
<th>Existing Signs (E)</th>
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<tbody>
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<td><strong>Sign Number</strong></td>
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<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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(Use additional sheets if necessary)
The following information must be completed and submitted with new applications: (Print or Type all information entered)

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<tr>
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<td>File No: SR #</td>
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| Applicant:        | Related Files |

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<tr>
<td>Address, City, Zip:</td>
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<td>Phone: Fax: E-mail Address:</td>
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<tr>
<th>Additional Contact Person:</th>
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<td>Phone: Fax: E-mail Address:</td>
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<tr>
<th>Architect/Designer:</th>
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<td>Address, City, Zip:</td>
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<td>Phone: Fax: E-mail Address:</td>
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---FOR OFFICIAL USE ONLY---

**Sign Permit Approval:**

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<th>APN:</th>
<th>Zoning District:</th>
<th>SR #</th>
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- [ ] Sign Permit Approved
- [ ] Sign Permit Denied → Reason:

<table>
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<tr>
<th>Date:</th>
<th>Signature:</th>
<th>Staff:</th>
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**Sign Permit Exemption:**

*In accordance with Section 17.36.050 the following proposed signs are exempt from the Sign Regulations of the Zoning Ordinance.*

<table>
<thead>
<tr>
<th>Sign Number as Listed Above</th>
<th>Reason for Exemption</th>
<th>Signature</th>
<th>Staff</th>
<th>Date</th>
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Revised 5/14