City of Banning

PLANNING COMMISSION
Meeting – Tuesday, June 19, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson De Santis, Commissioner Barsh,
Commissioner Dickson, Commissioner Escandel,
Commissioner Hawkins

II. REVIEW / APPROVAL OF MINUTES (April 3, April 19, May 2, 2007)

III. PUBLIC COMMENT

IV. DIRECTOR'S REPORT FOR THE MONTH OF MAY - CITY COUNCIL
ACTIONS ON PLANNING-RELATED ITEMS (No Action Required)

V. PUBLIC HEARING:

A. New Items:

1. Request to approve Tentative Tract Map No. 35363, and Lot Split #07-451 to subdivide
7.083 acres into 23 single family residential lots in Low Density Residential (0-5 dwelling
units per acre) located on the south west corner of Hoffer and Hathaway Street. APN 534-
283-011, 534-283-014.

2. Request to approve Design Review #07-703 to develop an industrial center consisting
of 158,662 square feet of buildings with a 12,000 square foot outdoor storage yard on
approximately 8.20 net acres. The proposed Barbour Street Industrial Park is located on
Industrial zoned property on the south west corner of Barbour and Hathaway Streets.
APN 541-330-002.
3. Request to approve Tentative Tract Map No. 34330, and Lot Split #07-4502 to subdivide the below-mentioned parcels into 20 parcels within the existing Deutsch Property Specific Plan (SP 1992-03) for conveyance and financing purposes only. East side of Highland Springs Avenue, north side of Wilson Street. APN 406-170-002, 406-200-004, 419-020-008, 419-020-021, 531-080-010.

4. Request to approve Design Review #06-7509, a request to develop 49-units, two story apartment buildings with underground parking. The site contains 48,400 sq. ft. of apartment buildings, 3,340 sq. ft. of common area and 6,135 sq. ft. of circulation, in the High Density Residential zoning designation area. The property is located at 315 E. Williams St., east of Alessandro Rd. APN 541-103-024 & 025.

VI. STAFF REPORT / INFORMATION ITEMS

VII. PLANNING COMMISSIONER COMMENTS

VIII. ADJOURNMENT

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

PLANNING COMMISSION MINUTES

April 3, 2007

A regular meeting of the City of Banning Planning Commission was held on Tuesday, April 3, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Escandel
Commissioner Hawkins

Staff Present: Community Development Director Orchi
Deputy City Attorney Jex
Senior Planner Clinton
Assistant Planner Swartz
Captain Yarbrough, Fire Marshall
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairperson DeSantis.

II. REVIEW OF MINUTES

ACTION (DICKSON / BARSH): A motion was moved, seconded and carried that the minutes of February 20, 2007 be approved as presented.

III. PUBLIC COMMENT

Charlie Strang, 4175 Hillside Drive, Banning CA, came forward to state that last week he asked the City Council whether HLCD, Inc., the company developing the East Williams project, 935 E. Williams, or any of its officers, owners or employees or descendants are in a suit filed by the City of San Bernardino Redevelopment Agency. He said he also asked whether or not a situation of that nature, if true, should have any impact on the City of Banning's decisions regarding doing business with the company. He asked also if the City staff does any type of background check on developers who seek to do business in our City. He stated he believes the Planning Commission

Planning Commission Meeting
April 3, 2007
should have that type of information. Mr. Strang stated that anyone with computer access can log on to the appropriate County Superior Court system website and readily check both civil and criminal information. He encouraged everyone to check this information on a regular basis.

Commissioner Escandel stated that a resident asked him where they could dispose of their batteries. Director Orci stated that he recommended that people call the Public Works Department at 922.3130 and that he believed that there is a hazardous waste round-up where folks will be able to drop off their electronic type of waste and equipment.

Inge Schuler, 1030 W. Westward Ave, Banning CA, came forward to state that these items can be dropped off at Dysart Park and at the Park she received small plastic bags for batteries to be put in and mailed free of charge to Waste Management.

IV. DIRECTOR’S REPORT FOR THE MONTH OF MARCH - CITY COUNCIL ACTIONS ON PLANNING RELATED ITEMS:

Director Orci stated that the City Council continued the Zone Text Amendment regarding the compact parking space requirements. They have asked staff for additional information. The Council also approved the Planning Commission’s recommendation on the ADA parking requirements.

V. PUBLIC HEARING:

A. New Items:

1. Request for Continuation: Request to approve Design Review #06-7017 and Conditional Use Permit Amendment #06-802, a request to develop a two-story school building with a multi-purpose room on 6.30 acres in Low Density Residential (0-5 dwelling units per acre) zone, located north of Wilson Street, east of Highland Home Road, and west of Mountain Avenue. APN 535-030-037.

Community Development Director Orci requested that the public hearing be opened and that the Planning Commission continue this item to the May 1, 2007 meeting.

ACTION (BARSHI / HAWKINS): A motion was moved, seconded and carried that the Planning Commission continue this item to its May 1, 2007 meeting.

(Motion carried 5 – 0)

2. Request to approve Design Review #06-7019 and Conditional Use Permit #07-803, a request to develop a storage facility with manager’s office and unit on 4 acres in the Industrial zone located at the south east corner of 8th and Lincoln Street. APN 540-250-001.
Assistant Planner Swartz presented the staff report. He gave dimensions of the buildings and units, stated this project is on a 4 acre site in the Industrial Zone and then showed elevations of the buildings.

Commissioner Dickson inquired if a market study was performed to see if we have enough people in this community to warrant another storage facility.

Ariel Valli, architect for the project, Valli Architectural Group, 81 Columbia, #200, Alisa Viejo CA 92656, and also the representative of the developer, Mr. Ted Crocker of Glenbrook Financial from Palo Alto, came forward to discuss the project. Mr. Valli stated that an extensive analysis was performed and it showed a need for this type of facility in this area.

Chairperson DeSantis requested that the sidewalk be moved in from the curb to create a parkway.

Inge Schuler, 1030 W. Westward Avenue, Banning CA, came forward to state that she has concerns. She objects to the entrance on 8th Street and feels it should only be on Lincoln Street. She questioned the hours on Saturday and Sunday and said there would be no tax revenue generated from this project.

Charlie Strang, 4175 Hillside Drive, Banning CA, came forward again to state that he shares Ms. Schuler’s concerns. He also stated he would prefer to see projects that create more jobs and generate revenue and wants the Commission to find a better use for this property.

Suzanne Birchard, P.O. Box 746, Banning CA, came forward to state that she and her husband own property on the southeast corner of 8th and Lincoln and said the City encouraged them to build a retail center and wonders how a storage facility across the street will enhance their project.

The Birchard’s property is located in the General Commercial Zone.

Clyde Birchard came forward to state that he felt the corner of 8th and Lincoln was a focal point to the City and a better use for this property should be found.

**ACTION (HAWKINS / BARSH):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-12, approving CUP #07-803, based on the findings and conditions of approval as amended to add under General Requirements, Condition #4 – the hours of operation and to amend the expiration time limit to be two years.

(Motion carried 3-2) (Dickson and Escandel – voted “no”)

**ACTION (HAWKINS / BARSH):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-13, approving Design Review #06-7019, based on the findings and conditions of approval, as amended to add to Landscaping Condition #11, to include that the sidewalk be set back from the curb.

---

Planning Commission Meeting
April 3, 2007
and a parkway strip be installed and to work with the applicant to follow the City’s Streetscape Guidelines,

(Motion carried 3-2) (Dickson and Escandel – voted “no”)

Director Orci asked if he could make an announcement for the benefit of the people either watching on television or here in the audience, on May 2, 2007 we will have a joint workshop to discuss land uses in the City. He encouraged people to participate in the workshop and review the land uses in the various zones and hone in on what we want and do not want to see in the City.

B. Continued Item:

1. Zone Text Amendment # 07-97501–
   Amendment to Municipal Code Provisions Pertaining to:
   a) Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 1528 of the Guidelines for the Implementation of the California Environmental Quality Act.
   b) Table 9102.B, Residential Development Standards of the Zoning Code to modify the maximum building coverage standard (s) and the floor area ratio standards in the LDR (Low Density Residential) Zone.

Senior Planner Clinton presented the staff report and reviewed the comments from the January 25, 2007 meeting. She discussed the BIA statistics and floor area ratio. The zone text amendment that is being brought forward tonight is an amendment that will expand the building coverage requirements for the Low Density Residential Zone and introduce Floor Area Ratio limits into the Residential Standards Table. Staff recommended approval of the zone text amendment.

Sue Palmer, 651 N. 17th Street, Banning CA, came forward to request an increased lot coverage percentage. She has plans for an addition to her home in building plan check and has already invested a great deal of money. She feels the current percentage does not work for small lots and blighted areas.

George Nordquist, 4133 W. Wilson Street, Banning CA, came forward to discuss his development briefly. He also mentioned lot coverage in other cities and said Banning is very extreme in its standards.

Brad Sibole, 1341 N. San Gorgonio Avenue, Banning CA, came forward to state that he is a local contractor and this new lot coverage issue has affected his work, also. He said that last year at this time, he had 4 – 5 jobs going at once, but since the new Zoning Code was approved, he has no work.
Dorajean Nordquist, 4133 W. Wilson Street, Banning CA, came forward to state that the City has imposed such extreme restrictions that it drives business away and limits people’s ability to improve their property.

Brad Sibole came forward to add that two story additions are not feasible for a remodel.

Charlie Strang came forward to ask some questions and state that he thought just adhering to the setbacks would be good enough and not regulate lot coverage.

Chairperson DeSantis stated she felt 20% lot coverage would be good in VLDR and 40% would be good in LDR.

ACTION (HAWKINS / BARSH): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-14, recommending to the City Council approval of Zone Text Amendment #07-97501, as amended to increase the lot coverage to 40% in the Low Density Residential Zone.

(Motion carried 4-1) (Escandel – voted “no”)

VI. STAFF REPORT / INFORMATION ITEMS

Nothing to report.

VII. COMMISSIONER’S COMMENTS

Chairperson DeSantis asked the Commissioners who attended the Planners Institute to share their thoughts on the conference.

Commissioner Dickson thought it was a very valuable conference and a wonderful opportunity to see what is going on in other cities.

Commissioner Barsh felt inclusionary housing is very important and that we need to make some decisions on how our City will handle it. He felt it was interesting and important to listen to the plans already in place by other cities.

Commissioner Hawkins was interested in the sessions that discussed AB32 and how to plan for Global Warming.

Chairperson DeSantis stated all of the sessions were very good and especially enjoyed the design review session. She would like to see us create a design review committee that would get together on a working basis to go over projects.

Commissioner Escandel stated that several times tonight there was mention of tax generating businesses and he inquired about a “space tax” and wanted to know if we had one. Director Orci replied that we did not, but he would look into it for the Commissioner.
VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

April 19, 2007

A regular meeting of the City of Banning Planning Commission was held on Thursday, April 19, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Escandel

Commissioner Absent: Commissioner Hawkins

Staff Present: Deputy City Attorney Jex
Senior Planner Clinton
Associate Planner Canchola
Captain Yarbrough, Fire Marshall
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairperson DeSantis.

II. REVIEW OF MINUTES

ACTION (DICKSON / ESCANDEL): A motion was moved, seconded and carried that the minutes of March 6, 2007 be approved as presented.

III. PUBLIC COMMENT

No one came forward.

IV. DIRECTOR'S REPORT FOR THE MONTH OF MARCH - CITY COUNCIL ACTIONS ON PLANNING RELATED ITEMS:

Senior Planner Clinton stated there was nothing to report at this time.
V. PUBLIC HEARING:

A. New Items:

1. Conditional Use Permit #06-809 (height) and Design Review #06-7012, a request to develop a La Quinta Inn, which contains a four story building, with 91 units. The site contains 49,123 sq. ft. of building for the site. The site is on the north side of Joshua Palmer Way, east of Highland Springs Ave, and west of Apex Ave. APN 419-120-020 & 022.

Associated Planner Canchola presented the staff report. He stated that the hotel is comprised of 91 units, a 49,123 square foot building on a 14.43 acre site. There will be 92 parking spaces provided, a swimming pool, 100 square feet of meeting room and a porte-cochere. The architecture style is Mediterranean. The property is 25 feet below freeway height, the building roof is 54 feet high and including the tower, the building is 65 feet in height. Staff recommended approval of the project.

Chairperson DeSantis mentioned that the applicant is required to complete half street improvements on Joshua Palmer Way and inquired who would be responsible for improvements on the other side.

Bob Tuttle, 5 Red Rock Lane, Laguna Niguel CA 92677, architect for the project, came forward to present his project. Mr. Tuttle stated that most of the mechanical equipment will be placed in a well on top of the roof. He said all La Quinta Inns have a tower with their sign on the side. It’s their trademark. Mr. Tuttle requested that Condition #10 on page 24 be changed to three foot high wall between the hotel and the Farmhouse Restaurant and a 6 foot high wall on the north and east sides of the property.

The commissioners discussed the project among themselves and expressed concern over the height of the tower and the half street improvements on Joshua Palmer Way.

V.J. Patel, owner of the property, 1617 Maple Hill Rd, Diamond Bar CA 91765, came forward to discuss his project. Mr. Patel was very hopeful that he would be able to keep the tower height with the sign as he felt this would help ensure his investment.

After more discussion, it was agreed that Condition #10 should be changed to the three foot high wall between the hotel and the Farmhouse Restaurant and a 6 foot high wall on the north and east sides of the property and the applicant felt they could lower the tower to sixty feet in height and still have visibility from the freeway.

Jeff Stowells, Battalion Chief of the Fire Department, came forward to state that within 18 to 24 months they will have a truck stationed here (in Banning or Beaumont) that will be used to fight fires in higher buildings (3 – 4 stories).
ACTION (BARSHE / DICKSON): A motion was moved, seconded and carried that the Planning Commission Approve of Notice of Exemption. In compliance with Public Resources Code § 21080 et. seq. and CEQA Guidelines § 15061, the Community Development Director shall prepare a Notice of Exemption, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting, as amended to include the CEQA items stated in the amended resolutions.

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

ACTION (BARSHE / DICKSON): A motion was moved, seconded and carried that the Planning Commission Approve Resolution No. 2007-15 approving the CUP #06-809, based on the findings and conditions of approval; (attached hereto as Attachment “1” and incorporated by reference), as amended to include the directive to do the research as to the owner of the south side of Joshua Palmer Way.

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

ACTION (BARSHE / DICKSON): A motion was moved, seconded and carried that the Planning Commission Approve Resolution No. 2007-16, approving Design Review #06-7012, based on the findings and conditions of approval (Attachment “1” from CUP #06-809 and incorporated by reference) as amended to include the condition that the tower element be lowered to 60 feet in height.

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

2. Design Review #07-701, a request to develop a Special Care Facility as an addition to “Sun Lakes Village North Specific Plan”. The site contains 15,200 sq. ft., 1-story, 17 rooms with 32 occupant beds, resident care and services space and two outdoor private courtyards. The property is located on the North side of Sun Lakes Boulevard, west of Country Club East and east of Country Club West. APN 419-140-062.

Associate Planner Canchola presented the staff report. He stated the site contains a 15,200 sq. ft., 1-story building, 17 rooms with 32 occupant beds, resident care and services space and two outdoor private courtyards. Staff recommended approval of the project.

Commissioner Escandel inquired about easements along the wall between the project and the residential homes on the west. He said he just wanted the City to be aware of this issue.

Commissioner Dickson brought up the lighting spill over issue. Associate Planner Canchola stated this was addressed in Condition #18 on page 69 of the packet.
Max Stanton, P.O. Box 1969, Gig Harbor, WA 98335, Vice-President of Development for RCCI and Careage Development, came forward to discuss his project. Mr. Stanton stated that he held a meeting last night with the residents of the surrounding area at The Lakes facility. Mr. Stanton stated they beefed up the landscaping to keep the building from being too obtrusive. He also had the paperwork with him that addressed the easement.

ACTION (DICKSON / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission approve a Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines 15062 the Planning Commission hereby approves a categorical exemption for the project under CEQA Guidelines Section 32110 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines section 15062.

(Motion carried 4 – 0) (Commissioner Hawkins was absent)

ACTION (DICKSON / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-17, approving Design Review #07-701, based on the findings and conditions of approval (Attachment “1”).

(Motion carried 4 – 0) (Commissioner Hawkins was absent)

VI. STAFF REPORT / INFORMATION ITEMS

Nothing to report.

VII. COMMISSIONER’S COMMENTS

Commissioners Escandel and DeSantis stated they would like to receive the “Planning Commission Projects” report / spreadsheet again.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Gini Sorenson
Recording Secretary

Planning Commission Meeting
April 19, 2007
City of Banning

JOINT MEETING / WORKSHOP – CITY COUNCIL
AND PLANNING COMMISSION MINUTES

May 2, 2007

A scheduled meeting of the City of Banning City Council and Planning Commission was held on Wednesday, May 2, 2007, at 4:00 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Council Members Present: Mayor Salas
Councilmember Franklin
Councilmember Botts
Councilmember Hanna
Councilmember Machisic

Commissioners Present: Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Escandel
Commissioner Hawkins

Staff Present: Community Development Director Orci
Finance Director Johnson
Fire Marshal, Capt. Yarbrough
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 4:08 p.m. by Mayor Salas.

II. PUBLIC COMMENT

Council Member Hanna encouraged people to attend the Ramona Pageant at the Ramona Bowl. The performances will be held on May 5, 6, and 12th.

III. DISCUSSION ITEMS:

1. Non-Conforming Uses and Structures, Section 9122.00.

Community Development Director Orci presented the staff report and stated that "according to our code, a non-conforming use or structure is a structure or else that legally existed prior to the provisions of this code. We often get confused with additions or homes or structures that have
existed – that perhaps are not or were not legally established and we consider those grandfathered – or uses that came in and needed a CUP at the time they came in, but never received one – the definition is clear that it has to be a legally existing structure. According to code, structures can be maintained as well as your use, if for example, are in a large facility and, commercial facility, and someone leaves and wants to come back or somebody else wants to come back and the use is not permitted – if the vacancy is not any longer than six months, you can come back with that facility, that use, it doesn’t lose its non-conforming status. As well as structures, you can maintain them, you can improve them and in some cases, you can enhance them – if you expand them or create a new non-conformity, then you would not be allowed to do that, under our current code provisions. Our codes also say that if it’s damaged more than half of the replacement value of the structure, then you would have to comply with the new provisions of the code. Whether they would be residential or whether they’re commercial standards or industrial standards.

I would like to take this opportunity to thank Mr. Smith because he brought to the staff’s attention, my attention, that certain structures are allowed and can be maintained in the code and we went through the TV tapes, we actually typed them up verbatim so that we could understand what the discussions were – and it appeared that during the post GPAC meetings and during the City Council and Commission workshops, we discussed existing structures in the downtown for the most part. In fact, Mr. Smith had brought this to our attention and after quite a bit of discussion, it was determined that structures existing homes in the downtown could remain. The Code, however, has been written and we have it in our matrix with the Land Uses, it requires a CUP. I believe after talking to Nicole and looking at the tapes, that’s a typographical mistake, it should have been a permitted use – based upon the direction I received from the Council and the Commission.

There is another provision in the Code, that is Section O of 9102.03, I believe, that also indicates that non-conforming, single family units, which legally establish in the commercial and industrial districts prior to the adoption of the Zoning Ordinance shall comply with the LDR district standards. To me that would mean that all residential units would be allowed to exist everywhere in the residential and industrial zones. Second sentence, however, I don’t quite understand and I need your direction. The second sentence dictates that additions, alterations and expansions will not be permitted. So if we were to allow these residential homes to exist, ones that exist now prior to the effective date of the ordinance, in our residential districts, in our industrial districts, then what would happen if they would need to add, alter or expand their use. I need some clarification. Perhaps the intent of this Code provision was to allow a burn letter to be issued to the financing companies. But it appears that those existing uses would not be able to expand or enlarge, based upon this code provision.

The issues that I’ve identified, I think most you already realize, we’re an older community – we have quite a bit of uses and structures that do not comply with our current Code – having residences in commercial, having industrial in commercial designations and the like and this is one of the issues that we face quite regularly – folks coming in wanting to add, enlarge, whether it’s an industrial, commercial structure or a use for that matter – and we have to unfortunately tell these businesses and residents that in certain cases they may not be able to expand and / or enlarge based upon the existing Code provisions. The issues that have been identified and we have discussed previously, have been the ability to sell or refinance the property through traditional financing means. The burn letter, I believe, is critical to be able to either improve your property or sell that property. And this is
one of the issues that folks, both in the residential segment and the commercial and industrial segments are facing – the lack of being able to improve their property or finance it or sell their property.

The things that this body needs to consider is the City’s vision – we adopted a General Plan with an idea of where we wanted to go in the future – what we wanted to be like, we established Land Use requirements that we’re going to look at later today that identified what we wanted to see in what areas in town. With these provisions in place, how are we going to treat our existing non-conforming uses and structures – do we want to establish a separate provision to allow them to exist or not.

Options for the Council and the Commission to consider is keeping the Code the same – we have those issues that I pointed out earlier in Section O – that we need to clean up and clarify, bring back to you, so that we can really define what they mean. And if we keep things the same, in other words, allow residential uses to continue, we still have the issue of industrial and commercial uses, which are non-conforming and we would not allow them to continue if they fall out of the Code provisions. Also available to this body is the ability to establish provisions to maintain existing uses and structures. What we did before, was we made a distinction between new and existing homes. So that what we indicated was that homes that were in the downtown area, we wanted to preserve them and save them and allow them to continue, but new homes we wouldn’t, they would be subject to the balance of the provisions of the downtown district. Do we want to take that and spread that throughout the balance of the City. And include non-conforming uses as well as industrial properties and commercial properties as well. Or do we want to be more pro-active and perhaps direct staff to provide assistance or programs to convert some of these uses into what we envision the City to be. That probably may be something that one or two of the following options may be something we could consider so that we could establish a program to make changes based upon the changes that the leaders of this community had envisioned when we drafted the General Plan and the Zoning Code.

That concludes my presentation on this matter, I believe there are some folks from the community that may wish to speak on this matter – but I’ll be more than happy to take comments at this time.”

Council Member Botts: “I have a question on this non-conforming – both residential and industrial / commercial – if there’s no damage, but it’s a non-conforming status, can it be expanded or modified, added to under current law?”

Director Ocri: “According to our Code, you can rebuild it if it’s not damaged more than half of the …. “

Botts: “No, there’s no damage.”

Ocri: “You can repair and make certain desired alterations, as long as you’re not expanding the facility. This is again, according to the non-conforming section. So you can repair and make certain alterations – you cannot make any structural alterations unless they are deemed by the City’s Building Official as necessary for the safety of the structure.”

Joint Meeting – CC & PC
- May 2, 2007
Don Smith, 1681 W. Westward Avenue, Banning CA, Came forward to speak. “In November of 2005, the issue of what to do with the existing housing stock, as Oscar’s pointed out, in the downtown zone – it was expanded in some places, goes up to Nicolet, in other places it goes up to Williams – but it’s more than just the Ramsey Street corridor – was discussed in great detail. Barbara, I think summed it up best when she said the economy will ultimately sort this out and when it is ready to move from residential to commercial, it will happen because the economy will make it happen.

But in the meantime, we need to protect our older housing stock, especially, if in another area of the General Plan its says those historical buildings should be preserved and maybe used for offices or things like that. Well, they’re not going....we have to keep them operable, maintained and in good standing. Now a combination of at one time..... these houses, at different times as the zone expanded, becoming legally non-conforming properties and a change sometime in the 80’s, exact date of which I can’t tell you, a change in the Fannie Mae and Freddie Mac guidelines on lending for traditional loans has resulted in these houses not being able to get traditional lending because they don’t meet the insurance requirements for Freddie Mac for resales – of the actual notes, back to Freddie Mac. I meant to bring the guideline with me, but I think its 400.31, but it wasn’t in my packet so it’s still sitting on my desk. So the problem is as we’ve noticed over the years, the housing stock in that area, the looks of it has gone down.

Back then when Hazel Black was trying to sell her house that she lived in for forty years, there were a lot of people that had older houses and now I’ve been involved in three or four of them – and when they try to sell their houses their escrows constantly don’t close as they’re buyers can’t obtain financing because the traditional lenders won’t loan to them. The less traditional lenders, the interest rates are higher and they therefore no longer qualify for the loan. So in your infinite wisdom some of you were here, some of you weren’t, as a joint body you guys voted unanimously in November to have the Code clearly state in the Downtown Zone that these houses were permitted uses and could be rebuilt if damaged. That’s still the issue because people are still not closing escrow. I thought someone was going to be here to tell you story about a specific one that just recently had this problem within the last couple of weeks – of an escrow not being able to close over this exact same issue.

Basically, today I spoke to the vice-president, I know sometimes these organizations have 87 vice-presidents, but I mean the second guy in charge of American Home Mortgage, the tenth largest lender in the United States – and discussed with him what we could do to solve this problem – I used to be a business partner with him in a venture. And he says you have a couple of ways, you either change the name of title of the code so it clearly says its both a residential and a commercial zone or you can issue burn letters – those are the two things you are going to have to do or the traditional lenders aren’t going to loan money.

So I guess I’m back here again to say, thank you for what you did two years or what for some reason find out, I don’t believe it’s anybody’s fault other than the system – we still have a lot of those minutes that have never been transcribed and maybe you should get them all transcribed so somebody can go through the minutes and make sure all those changes you made actually happened in the final draft. This one didn’t. And I would ask you to do whatever you could do as quickly as
possible; either instruct them to start issuing the burn letters in the meantime so that people can start closing escrows.”

Commissioner Dickson: “In response to the burn letters, I know personally, that’s there’s been a couple of loans done down on Lincoln where it is mixed use that have been granted burn letters and had been financed in that area. And it can be done, there was one a few years back where the interpretation was on the 50%, but reading further, they said as long as it had never changed from residential to commercial, it could be rebuilt. So I know personally they can be done on like and mixed use.”

Botts: “Oscar, is the question whether this remains a downtown issue on the residential side versus making it city wide.”

Orci: “Here’s the request – Table 9103.A, last page, Section II-56, it’s actually provided in your packet under “Uses”, it’s that table there – it’s in the staff report itself – if you look at the fourth from the bottom of that Table...........Under written page 10, at the top, this is as you see it from the Code – if you look at that line, single family dwellings existing......I believe that based upon your direction, under DC it should’ve had a “P”, instead of a “C” – but if you look at the balance of the land uses, we’ve got “Non-permitted” – and this Table contradicts the language that’s in Section 9103.03(2)(0)of the Zoning Code that indicates that all non-conforming single family units which existed legally in the commercial and industrial districts shall comply with the LDR district standards. So to me they have to follow the same set-backs and they are allowed to be maintained. However, there is a second sentence that follows that that says “Additions, alterations, and expansions will not be permitted”. I assume that that means that we can...........this is where I need your direction......does that mean that if it burns down and is destroyed, they can replace it as long as they add to that – create any bigger footprint than originally approved – does this Section O involve all residences in all districts, commercial districts and industrial districts – so I need comments or responses on those two questions.”

Maxine Lewis, realtor in Banning, “I’ve been selling real estate in this town for the past thirty years. I’m a little astounded that I don’t know Mr. Dickson, who – I have a direct question for you – who in the City of Banning signed a burn letter for you?”

Dickson: “Right here at City Hall – the City Attorney.”

Lewis: “The City Attorney issued burn letters to you twice in the past how long?...........Two, three years...........well, I’m pretty astounded, because I can point to you personally, first hand knowledge of at least three escrows that I personally did that failed because a burn letter could not, would not ever be issued in this City.”

Dickson: “The only way I can respond is the former Attorney and former Planning Director stated the first time I came in, they turned it down – next time they said they didn’t read far enough and if they read and it said it never changed from residential to commercial – it could be done. All I can say is, they issued them.”
Lewis: “Well, not from my experience and not from any realtor in this town’s experience that I can tell you of……so I guess we need to make it so that anyone who needs to get this kind of a letter or the correct zoning can get it………because there’s many people who haven’t been able to.”

Dickson: “And that was part of me being on the Planning Commission.”

Orci: “Let me muddy the waters a little bit – Section 9122.02, that’s the non-conforming section, does say that any residential structure, including multi-family, that is located in a residential land use, but is non-conforming, if it burns down, it can be replaced. So for homes or apartment buildings that are located in a zone, a residential zone, that is not …..which they are no longer conforming to……they can go ahead and replace that in the event of a catastrophe. This does not apply if that same residence or apartment building was located……or there is a question whether this applies or not if it’s located in a commercial district or industrial district. That’s part of the issue I have on Sub-Section O.”

Commissioner DeSantis: “You know, I noted that, and the thing that I’m confused about in that, is if it is the rebuilding of a non-conforming residential structure in a residential district, why wouldn’t it be rebuilt – to be conforming? Is it forced to be rebuilt as conforming? It’s in a residential district.”

Orci: “In the residential districts we included a provision that would allow the non-conforming buildings to be repaired and replaced.”

DeSantis: “Obviously with a conforming one.”

Orci: “No……as replaced as they existed. This is why we put this on the agenda…there are different conflicting provisions here. I want to focus a little bit globally and then come down and start paring it down and understand where the Commission and where the Council want to direct staff to go with structures that are not conforming – whether they’re in commercial or residential. Do we want to have a policy for existing versus new, do we want to maintain all existing non-conforming structures, are we making a difference between residential structures and commercial structures. I need some general feed-back so we can fix all these things that are in here.”

Inge Schuler, 1030 W. Westward Avenue, Banning CA, came forward, “I remember the November meeting where there was a unanimous vote on the Downtown Commercial. So ....I was there when the meeting concluded with the vote unanimous to leave the Downtown residential as Downtown residential. And if I remember correctly and of course, the minutes are not available, Oscar, if you could check that provision and then that conflicting second sentence – if I’m correct, that second sentence was supposed to be deleted, so there would be no conflict. And I think maybe minutes will show it or the tape will show it, I don’t know, but I think we were aware of that conflict at the meeting and we wanted that second part of that second sentence deleted. And that would solve the problem.”

Botts: “Maybe for purposes of discussion, philosophically, it seems to me if we’re talking about residential and you were fine tuning it down to residential, non-conforming within residential, in my mind the issues seem to come up residential in commercial and industrial – however they came about with the new General Plan and Zoning. It seems to me that in that picture, should we philosophically not be trying to move towards what is properly zoned for. I’m talking about
residential in commercial and industrial, perhaps with the exception of downtown, with what we may want to preserve here, with that exception, philosophically should we not be trying to get neighborhoods to be in conformance."

Orci: "And that is exactly what we need to discuss and I need some feed back.”

Botts: "Well, I’ll put that as a statement, I think that’s what we ought to do. So we can debate it.”

Council Member Machisic: "I think these are two distinctive types of problems – one dealing in residential and if, do we deem it completely destroyed at 50% for rebuilding purposes?"

Orci: “Of the replacement value.”

Machisic: “If we’re going to move ahead and structure the community the way we think it ought to be, if they’re in a residential area, I certainly think they should be rebuilt according to the new Code. The thing with commercial and industrial is a different issue – but I think we should separate the two of them out and maybe handle them individually.”

Mayor Pro-tem Franklin: “I was at that meeting, too and one of the things we talked about was if we wanted to move forward and downtown becoming more of a downtown look for residents that maybe we could explore some kind of incentives to help people be able to relocate to another area. I don’t think we went anywhere with it, but that was part of our discussion as to maybe that’s what we could do. Because some people are not able to afford, even if they wanted to stay there, the opportunity to, because it costs so much just to be able to be in compliance with the codes. And I’d like to see if that’s something we could explore a little bit more. If we could get the minutes, I know that was one of the things we talked about.”

Gail Paparion came forward to speak, “I, too was at that meeting and remember well – I think the desire was to allow people to remain legally non-conforming, but at some point, we at the time, were trying to bring things into conformity. And that included ugly things could go away, however they went away, but the desire was not to have such a plethora of choices. It either conforms or it doesn’t. A simple thing with a house – until you sell it, you don’t have to upgrade to the current codes. You don’t have to put in GFAC switches until you sell it. So the point was to allow things to take a reasonable course, but to bring things into compliance. Am I hearing that all of the minutes from all of those meetings have never been transcribed?”

Orci: “Some have, some haven’t – most haven’t.”

Paparion: “And the reason is...........?”

Orci: “Don’t know.”

Paparion: “Inquiring minds...........mine included.......I mean this is archival information, that if not available to the public, there’s no validation that certain things did happen. I remember exactly what Inge Schuler said because specifically one line was redacted or eliminated and it solved ........I think the spirit was to bring things into conformity.”
Orci: “If I may on the minutes, Gini did give me verbatim minutes and I did go through them and I’ll tell you I have to read them again because during that meeting we were trying to summarize and sum up what the direction was and we would go on tangents. And I honestly don’t know what, if anything, we came about. Because really it was such a late hour and we basically closed the discussion and the minutes of the next meeting did not continue on that subject matter.”

DeSantis: “To refresh my memory, Oscar, with all those hours, what was the one thing we cancelled to make it proper …… in that one point, one sentence was cancelled.”

Orci: “The sentence that says, the second sentence that indicates that additions, alterations or expansions will not be permitted. So basically what we have left in that case, that single family homes would have to comply, that are located in commercial / industrial zones, would have to comply with the Low Density Residential development standards.”

DeSantis: “That’s right, I remember that.”

Bob Keeling, realtor, came forward to speak, “I’ve been in real estate thirty years and what was said about burn letters here is absolutely true, but they have been issued here. It wasn’t easy, I was involved with one and I basically had to shame the City Council into individually recognizing the problem that it was causing my clients. And they arranged a meeting with the City Manager and the City Manager arranged a meeting with the City Attorney and I did get a burn letter. Now I’ve been working in Riverside County most of my thirty year real estate career, in the western Riverside County, and it’s pretty much routine that you can get a burn letter just by asking. But not here, it’s extremely difficult and the problem that it causes the owner and the new buyer is very horrendous. It’s very damaging and it needs to be corrected so that it becomes routine, like it is in every other city that I’ve worked in in Riverside County. And most of southern California – it is a very routine thing, you ask for a burn letter, you get it – within a matter of minutes. You can go to Beaumont, go to the counter and get one. Where here, it’s an act of Congress and it shouldn’t be that way.”

Don Smith, “More than talk about, is the discussion, it’s not just a permitted use, the ability to rebuild through the burn letter, that gets you the ability to sell, because that’s what the financing company is looking for. I couldn’t say it any better than that. The issue of whether it needs to be in other locations, other than the Downtown zone, I haven’t really studied that. For certainly some places right now where it’s economically available to put commercial businesses, Ramsey Street, are there any others, I don’t know. Because until Ramsey Street builds, nobody is going to build at 3rd and Nicolet, a commercial building. So I would, if you’re not going to do it, my request was and still is that we do what we did two years ago and that the downtown houses be able to get a burn letter upon request, because it’s permitted and allowed. And that … the other issues … I think most of them should be able to get one, too, until you want to specifically exclude certain streets. That unless you specifically exclude an area, I think they should be entitled to an immediate receipt of a burn letter at the counter.”

Dickson: “You know, I think from what I’m hearing, it sounds like we’re looking at two issues really. I think the downtown, with all the efforts going in for the downtown revitalization; I think maybe they ought to be looked at separately. But I think as far as existing structures in an industrial
area, if they’re residential, they should not be penalized, they should be able to get a burn letter and rebuild. And I think the restrictions in there as far as taking a 1700 square foot house and trying to go to 2300, that’s a different issue. I think if the house burns down, they should be allowed to build it. Because a lot of people are trying to refinance, or sell or whatever, but I think once that structure goes from residential to commercial, then all bets are off. But I think if it’s still residential, they should be allowed to rebuild without any problem and get a burn letter.”

Mayor Salas: “Do we have any recommendations of staff or……. Do we need a motion for this”

Orce: “You don’t necessarily need a motion…………I would generally like to get some consensus from the Council and the Commission. I’m hearing a couple of different things – one that perhaps if you have a residence, whether it’s single family or apartment complex that’s located in any residential development, that if it burns down, you have to comply with the underlying residential zoning code. I hear that as one of the thoughts that went through here. I see everybody’s head shaking, yes and if that’s the case, then we can make that modification to the non-conforming section. The issue that’s outstanding is the existing provision, if you look on written page number ten where we have on the top of the page where it does indicate single family existing, do we all concur that we would change that C to a P in the Downtown and leave the balance of that matrix the same – if there is a consensus there – and then come back to you with changes to Sub-Section O that would reflect that change.”

Escandell: “Do we want to extend it more than that?”

Dickson: “Are we talking about residential in commercial, industrial commercial?”

Orce: “Commercial and industrial zones.”

Escandell: “What you’re asking, Oscar, is the top line on page 10, the eight different zones that are there – the single family dwellings that are existing are conditional in the Downtown district, but...

Orce: “I believe that’s a typo, it should have been a permitted use.”

Escandell: “OK, right now I’m reading it as conditional in the Downtown district and exempt or non-conforming or not allowed in the rest of the districts, even if they’re existing – so if something should happen to them, they cannot ever be replaced.”

Orce: “If they are destroyed where it requires 50% or more of the replacement value, they will not be able to be rebuilt in that zone.”

Escandell: “If we were to just change – I think our intent maybe in this was that we wanted to eliminate the single family residences in any of the commercial or industrial zones, in the future. And maybe there was a mistake done on the existing ones – I think maybe our intent still is not to have residential in commercial, even though I felt that the commercial itself was a little bit aggressive – that was put down within the community – but if we were to raise the percentage of destruction to the dwelling from 50 to say 100% or 95% before it could be rebuilt, wouldn’t we then have the same end to what we wanted to do?”

Joint Meeting – CC & PC
- May 2, 2007
Orci: "You’re going to have the same issues from the same folks that are here today – their issue is being able to get refinancing and financing. And anything that doesn’t absolutely give them the right to rebuild their home in a commercial or industrial zone, it won’t work for their financing."

Escandel: “So we can’t play with percentage and create anything easier for this situation.”

Orci: “Right, it’s either………………”

Escandel: “So and the only thing we’re playing with then is you want to put a P where the DC is right now, but what about all the other existing residential in all the other commercials. I mean, if we’re gonna do it for one resident, one family, one area and again, I stated earlier that I thought we were overly aggressive in expanding our commercial zone all the way to God knows where – let’s do it for the whole line – straight across – because these are people that have homes – and maybe they don’t want to live somewhere – maybe if it burns down, they want to live where they are, maybe they don’t want to relocate.”

Orci: “And that’s the item in front – that’s where I need some assistance."

Escandel: “Because I think we’re talking about three separate issues here, not two. I think I’m talking about non-conforming residential issues in residential districts, where you might have an apartment building next to a single family residence, that we now made it illegal to have an apartment building – you’re talking about single family residences in commercial zones and you’re talking about the Downtown district. So there’s three issues here, not two.”

Jim Stuart, came forward to speak: “Being the owner of the company that’s the largest commercial/industrial real estate company in the Pass area, I think with regards to …… It’s up to Council to decide what do you want to see in your commercial and industrial zones – and then what comes with it. Right now, today we have – let’s take Lincoln – we have industrial areas on Lincoln and then we have residential on Lincoln – and then if somebody wants to come in by right of zone, on Lincoln, with an industrial project, but then again there’s somebody four or five houses down that lives on that street with residential – now you have a conflict. You have people complaining and then you have maybe a business that’s not going to locate – or we’re going to have a clash between the resident, the Council and a commercial/industrial business.

I think Council needs to make up its mind, what do we see, what do we want to see and do we want single family homes on Lincoln – do we want single family homes around the airport area. When I was on the Planning Commission in Palm Springs, we installed an ordinance that anybody who bought a home within the airport district, there was a disclosure that was required – that we put through the department of real estate – same thing with the industrial zones. And with the commercial, because if somebody has a home on Ramsey, which there are a few, and then somebody wants to open a restaurant next door – and they can do it by right of zone – but that home will do what they can to block that restaurant. They don’t want the noise; they don’t want the parking – if it’s a residence. The burden here is on the Council’s vision for the future of the city. Do we want a residential zone, do we want to keep it residential, yes – and I’m sure the residents do – your low density where they have animals, they want to keep it that way. What do you see for
commercial and industrial so that those of us in the real estate industry know where we can take people right now. I mean we’re looking right now, as some of you know, we’re looking at some very large job creating businesses that are looking to come to the City of Banning, but where do we put them – and that’s the problem – and we have to put some of these lands together – and the biggest problem that we’re having right now is to get a ten acre parcel for a major factory to come into......manufacturing business to come to the City of Banning, I’ve got houses on both sides of a seven acre parcel – what do we do? And that’s the situation that I think that you all have to understand on the real estate end of it. Then, just as a side note, I know the other brokers here understand it, for the residential, in the standard form real estate contract, the CAR contract, there are boxes that are checked for buyer or seller agrees to bring a house up to code – where buyer or seller has to agree to strapping of a water heater, smoke detectors – those are in the contracts that most every agent uses when they represent a buyer or a seller. So that is something that the real estate industry can help with.”

Dickson: “I think a lot of the issue is really.....yes, we do want to develop a strong commercial base, obviously, that’s a primary for it, but on the other hand there’s people that have been there ten, twenty, thirty or forty years and I think that they should have the right to refinance or sell or whatever. But I do believe that over a period of time a lot of those houses will in fact, either turn commercial or they’ll sell. But I think at this point, I just don’t think that we just exclude them – I feel that they should have the right to rebuild if something happens.”

Inge Schuler: “I concur with Planning Commissioner Dickson on this and from what I’ve been hearing in the other way to just eliminate the older residences – some of those are houses that maybe we should preserve under the Mills Act, if we ever get to that point – that by changing the zoning and making it economically not feasible for these folks to rebuild or upgrade or do whatever needs to be done – that this is sort of sneaking in through the back door with something that very much smells like eminent domain.”

DeSantis: “If I remember correctly when we had those discussions, about Lincoln especially, it was an anomaly because it was very unique, because there are existing developments, not just homes, but existing developments along Lincoln and we had many of those people come to the meetings that we had to ask about what would become of their residential zoning. So we have a hodge-podge down there where we skip and so you have developments, then commercial / industrial development. And every one of the people who came from those neighborhoods was very aware of the fact that’s how this was going to end up. That they were going to end up in the middle of zones that were commercial and industrial and that was an anomaly.”

Escandel: “If I may, I agree with Commissioner Dickson whole-heartedly – but I also remember what we did down on Lincoln – we backed off almost half a mile – we wanted to take the commercial all the way to the street between Sunset and 22nd, we backed it all the way up to 16th Street in regard to the residents that had complained and questioned what was going to happen in their neighborhoods. And I understand what the gentleman who spoke previously from the audience was saying, because he’s a commercial real estate developer.........but if he can’t find ten acres to build property on, I want him to have to buy the other three acres at a fair value price.....so the resident who is living in that house can leave there feeling good about themselves. I’ve said this before, I don’t give a damn what it costs the developer to come into this town......I care what it costs the residents of this town to live here and I’m not going to have them cost their lives.”
Council Member Hanna: “Point of order – I just want to make a point of order that we don’t want to encourage swearing.”

Machisic: “One of the problems that we face started out with the General Plan. The City hadn’t developed anything in nineteen years and a lot of things happened in this City kind of willy-nilly, hodge-podge, people put businesses wherever they wanted them……they put a house wherever they wanted them……a lot of them were built without permits and we’re running into that problem now. And I think Jim Stuart mentioned a point that I always think is important, that no matter what we talk about we always have to have that vision of where we want to see Banning fifteen years from today, twenty years from today, long after I’m gone……..and we need to work towards that end……...whatever we do has to work towards that end. We designated Lincoln as an industrial / commercial area and at some point in time, hopefully the City of Banning in the year 2025 will have a commercial / industrial area there. As a result, the people who are in there and Jim mentioned another point, that in getting property together on Ramsey Street, they’re going to be located next to a house and one of the consequences of our rezoning is that that house is going to be right next to a restaurant. And I’m going to be very supportive of that restaurant or that business, because that house is in a commercial area. If we’re going to move forward these are the kind of decisions we have to make and believe me, there is human suffering as a result of it……some of the people who have lived there for many, many years, twenty, thirty, whatever number……maybe their whole life……but at the same time, if this city is going to move forward, some of those decisions are going to be tough and there are going to be hardships for individuals. But that’s a consequence of the City trying to move forward after being in the doldrums for many, many years.”

Jim Stuart: “I would just like to respond to the gentleman on the Planning Commission…..first of all, I’m a real estate agent, I’m not a developer. But we have a couple of real estate agents in the room right now and a couple of developers and I’m sure if you asked Mr. Bracken or Mr. Keeling and his clients, these people are willing to buy the properties………..they’re not looking for the City to give them the properties, they’re not looking to steal the properties, but generally asking to buy these properties at fair market value. In your neighboring city right now, Christi and I are working on a very large deal there…..we’re moving out a couple of people……..a couple of houses……..what I went and did is I found houses to trade……..the developer bought the houses, the people are trading. We do not want to displace people unhappily. We would like to see if they are moving from a house in the industrial area to a quiet life……..we have a lot of houses available in the City of Banning for somebody could move them……..they could even upgrade themselves……most of the developers do not look for a free ride and I’m sure that they can all agree with me.”

Mayor Salas: “And as we move forward, often times these issues are heated, but I would just like to encourage the Council and the Commission to have respect for each other and everyone out in the audience.”

Botts: “I guess I’ll go back to my original comment, I think we need to clean up the industrial / commercial areas and over time have them all conforming. I would echo Council Member Machisic’s comments……and this is a separate issue, we need to make that decision and then we can come back to another side of the city and say as Councilwoman Franklin said, maybe there’s a way, if there is a real hardship, that the City could participate in some kind of financing. Mr. Stuart
already said that developers work on those kind of things and I'd much rather have them working with the residents and swapping houses...but, certainly maybe there's a place where we as a City could say, if we take this hard line that we really do need to clean up industrial / commercial and long term not have residents there, I have to believe that long term the residents don't want to be there, but certainly finances and other things can impact and keep them there...but I think we need to move in the direction that is our vision for the next twenty years and then come back with some kind of a program on the hardship cases and see where we could help."

DeSantis: "I agree with Mr. Machiscic and Mr. Botts. And I think that what you are saying is that you would do that then on an individual basis and that makes a lot of sense. In your report, in regards to this issue, you have two items that you want special consideration to be given to on page 2 and if we can kind of come to a meeting of the minds at least on number 2, allow non-conforming commercial uses the ability to be rebuilt or expanded, are you talking about when they are in residential zones?"

Orci: "Or in industrial zones or vice-versa...if you have a non-conforming commercial that is no longer allowed in that zone...Can they be allowed to continue and / or can they be allowed to replace that commercial use......if again, if its burns down......we've got some quasi-industrial facilities as an example, in the commercial zone......where in the old Code they would be allowed to remain and in the new Code they are no longer allowed and they can maintain the use, they can get new businesses to come in, businesses can leave......but if it means, again selling or refinancing or what not, they wouldn't be allowed to remain at that location."

DeSantis: "Well, I don't think they should be expanded......definitely not expanded. I think the rebuild would depend on what type of rebuilding they wanted to do. Again, that's an individual thing. But, first looking at that, my answer would be no."

Dickson: "I think it goes back to the key .....I think we've got several issues floating around now....I'm all for more business, I think that's the salvation of our city, is to bring in more business. But I also think if someone has an existing house and that house burns down, they should have the right to build that house back up....that's my point. And I think burn letters should be available to these people. Now if Jim Stuart comes in and offers them a great price for their house and they buy it, that's wonderful because that does help us expand our commercial base. But I think the owner that's sitting there with a home and that home burns down, that person should have the ability to go to a lender with a burn letter and rebuild his home."

Escandel: "I don't disagree with anything that's said........if I was a homeowner on Ramsey Street and they built a restaurant next to me and it was my choice to stay there and my house burnt down and I wanted to rebuild it, I would still like to have my choice to stay there.......that's what I'm trying to say........it should be the homeowner, property owners choice."

Salas: "Oscar, question, if the home burns down and they can't rebuild it, what do they do with the land......do they sell it for much less than they would if there was a structure on it?"

Orci: "It depends on the market conditions. In some cases it could be more valuable as commercial or industrial, whatever the underlying zone is........but obviously, since the structure's not there,
one hopes that they have insurance to be able to recapture the loss of that property or they won’t be able to rebuild it at that location.”

Salas: “So they take their money and they have to go elsewhere.”

Orci: “They have to go elsewhere.”

Salas: “But they get the value of what was previously there before the burn.”

Orci: “Right.”

Dickson: “They get the value of the structure, they do not get the full value….so now if you’re talking going out and building a home and going out and building a lot, it’s going to cost you a lot more than rebuilding this structure.”

Orci: “They would find a comparable lot to build that structure.”

Don Smith: “I was kind of afraid we were going to get to this, mixing ……the entire town into the issue that we were before just talking about the Downtown zone. The Downtown zone is a basically residential neighborhood other than San Gorgonio and Ramsey……..with a hundred houses in it. There are not five existing, non-conforming single family residences left on Ramsey Street. There might be ten of them left on the eastern part of Lincoln Street. There’s not a hundred other of these non-conforming houses in every other industrial zone in town if you added them up together on every single street, as there are in that one concentrated residential neighborhood that we’ve designated the Downtown Commercial zone. So it’s not an issue of this one house standing there by itself in the middle of a bunch of industrial buildings……..all of these houses are sitting right next to other similarly situated and sized, other residential houses. It is a residential neighborhood in everything other than the name of our Zoning Code.

And it is a completely different issue than either Ramsey Street or Lincoln Street. And I would ask that if you are going to treat Ramsey Street and Lincoln Street, however you decide to treat them, don’t lump this residential neighborhood in with those two industrial streets.”

Franklin: “Mayor, one of the things I’d like us to consider is if we’re going to continue focusing on the Downtown area that we just resolve that one first, then move on to the others.”

Orci: “That is a consensus, good. So again, what I understand as a unanimous vision, if you will, is that some point in the future we want to see our commercial be commercial and our industrial be industrial. And we need to figure out a way that we can allow some of these existing residential properties to remain and we need to focus now on the Downtown. So again, same question as I posed earlier on the Table, written page 10, if you can give me some direction I can come back to you with more details on perhaps how we can phase out some of the residential properties and what not in the other zones.”

Hanna: “I think that I’d like to recommend that we develop the consensus for allowing, permitting single family existing dwellings in the Downtown area………..we are going to want to continue to have residents in the Downtown and I think they should be permitted.”

Joint Meeting – CC & PC
- May 2, 2007
Orci: “I have a general consensus by nod……OK, good, then I can bring……so we’ve got two issues here, great ……..and then what we can do is bring back to you, get you guys off the hook here, bring back to you a way that we can regulate the balance of the residential uses in the commercial zones and perhaps phase them out.”

DeSantis: “I have one issue with single family dwellings new – we’ve talked on the Downtown Committee about maybe having some loft apartments…..that would be a new dwelling.”

Orci: “That would be covered under Mixed Use, residential office or residential commercial.”

DeSantis: “So that would be permitted in the Downtown area?”

Orci: “Right, what we’re talking about is a strict stand alone single family unit new in commercial.”

Franklin: “I’d like to add to the idea that not only is it permitted, but if residences is actually destroyed for whatever reason and most of them would probably not be in compliance with current building codes, that we also work at the same time on some kind of incentive or assistance program that we can offer people. Because the honest thing I think is really going to happen if a home is destroyed that’s in our Downtown area, the people are probably not going to be able to rebuild what they had.”

Orci: “Is there anything else?”

Commissioner Hawkins: “I lived in a city that had this similar situation…..they wrestled with this and they actually, when they rezoned the areas, the homes that were in those areas that were non-conforming, they started the clock running on them……it gave the people a date certain that those homes were not going to be useable.”

Jim Stuart: “I just want to add to what Mrs. Hanna said, is that for commercial development it is very healthy to have residents in their downtown. When we go out to try to bring in Starbucks or somebody like that, we like to show how many residents are within walking distance. And if you are planning a walking area for your downtown, the more residents that are there in lofts and such, the better off you are. So on the side I would totally agree with what the gentleman said and with what you’re saying………Downtown should be encouraged to be whatever it can be with residents and then the places where I would try to exclude some of the residences in the future would be Lincoln and Ramsey.”

Botts: “I’ve already indicated my support of my fellow councilwoman on some kind of incentive or help, however, I would disagree a little bit, if you take the major fires in San Bernardino County……the Panorama Fire took out 380 homes in San Bernardino……..those homes are bigger, far finer than they ever were before…………same thing just happened in the Del Rosa area, so……although someone without insurance of course, is really in trouble………..but if somebody has insurance and they’ve been there a long time, we know what has happened to property values, so clearly I would think the majority would be able to rebuild downtown………all you have to do is look at the real world and San Bernardino and see how most of them have rebuilt, much bigger,
much finer than they had before. But again, I agree with you, if there’s a way to have some kind of incentive, I’d support that.”

Hanna: “I shouldn’t distract us too much, but I’m just curious about the new single family dwellings. In downtown Riverside they have, I think it’s called Mission Village, are those considered single family homes...........they’re very densely designed.”

Orci: “I’m not familiar with that project and its design.”

Hanna: “It’s on Market Street, it’s quite attractive and apparently quite popular…it’s sold out.”

Orci: “I’ll have to take a look at that.”

Commissioner Barsh: “I think we ought to take a stand on this burn issue and helping the ability of people to at least get the cost of the rebuilding – and I think we ought to take a stand that we allow the City issue these burn letters so that these people at least insure their place so they can at least get something.”

Botts: “Are we ready to move on to Commercial / Industrial?”

Orci: “It appears that we’ve reached an impasse as far as the burn letters and the balance of the commercial – let me bring something back, let me talk with the City Attorneys to see if we can effectuate a burn letter with ....adding restrictions on non-conforming residential uses in commercial districts, other than the Downtown Commercial. So let me see what we can do to bring something back to you. And now we can go ahead....Thank you very much.....”

Botts: “My question or statement was that I know that there are maybe some folks in the audience that have experienced this.....that they’re in........with the General Plan change and zoning changes their property has been drastically changed and how should we as a City be dealing with that.....and maybe that’s the rhetorical question, when we create and change zoning on a property from Industrial to Commercial or Business Park and it drastically impacts that business and their ability to refinance and so forth........it’s an issue that I’ve been talked to about several times.”

Orci: “Right – and again, I need to tell you all that this is an older community that’s seen a lot of changes in its zone and land use. Certain properties started out as residential – then were transformed to Industrial, then to a certain commercial, now they’re at a different commercial – so you’ve got quite a variety of mixes here – Lincoln is one of the examples – you’ve got lots of properties there where they have homes on the front end and these quasi-industrial on the back end – you have one property in particular that has three different land use types – where they have retail, a more of a quasi-industrial storage facility and they have an area that would accommodate certain types of businesses like auto repair and things like that – so it’s three products in one, which makes it difficult to either ...for us to give direction, because when we tell them the letter of the law indicates that no, you cannot replace this use, you can continue to use, you can continue to improve the use, maintain the use, but again if you want to add and change it you have to comply with the current code. And that’s where a lot of folks have issues with – the same like issue with residential...because they have the same issues in terms of trying to sell their property or improve
their property or carry debt on their property to perhaps invest elsewhere – so those are all issues that we’re facing here. . . same thing with commercial. So again the same scenario for those uses – option one is to keep it the same, they would have to comply with the non-conforming section of the code and they wouldn’t be issued a burn letter . . . . you can identify and establish that those existing businesses that are there are allowed to maintain them and if they burn down then they will be able to rebuild, substantially similar to what they had before . . . . or you can require that if they burn, they have to comply with the new standards or you can direct me to create something else, that gives them a little bit of what they had plus some of the new stuff.”

Botts: “Under that exact example, what is the law and the zone – what would be the regulations today?”

Orci: “In that example they would have to abide by the land use district of that particular zone of the General Commercial designation – which would not allow them to continue a substantial segment of their operation, which in that case is storage – we outlawed storage from General Commercial – the other avenue is to have the applicant come in and apply for a zone change and then again we’ve got . . . . we’ve been addressing it on an individual, case by case basis where the applicant has to bring forth reasons why he should be granted a change in zone.”

Botts: “Do we have that ability now – when we change the rules for homeowners or commercial / industrial – we change the rules and it’s probably not a taking, but it could come close to that . . . .”

Orci: “It’s not a taking, the Attorney said it’s not.”

Botts: “It seems to me if we have it we need to maintain that flexibility to say . . . . how can we deal one on one with those situations.”

Orci: “Private property owners, whether they’re residential, commercial have always the ability to come in and ask and apply for a General Plan Amendment and a Zone Change . . . whether it’s because of the issue of land use compatibility or what have you . . . . but they always have that ability.”

Botts: “Then we as a Planning Commission and Council would judge that way.”

Orci: “Correct and there are other mechanisms as an example that I don’t think would necessarily fit with residential but could fit with commercial, if you have a substantial enough commercial site – come in and ask for a specific plan – that way you’re addressing . . . . you’re no longer addressing the Zoning Code provisions, you’re addressing the intent of the General Plan – and what was the intent for a particular area in the General Plan and in that mechanism you can craft, if you will, your own zoning standards. It would still need Planning Commission and City Council review and approval . . . . but at least you have its own special zoning requirements for that particular property. . . . so that’s another avenue that folks can use.”

Gene Taylor, managing partner of Sunset Self-Storage and Commercial: “I am the managing partner of Sunset Self-Storage and Commercial which is the 155,000 square foot mixed-use facility that is part of what they have been discussing here. We have an interesting problem, we’ve been in
operation—we bought a place that was built mostly in 1984 and expanded in about 1995-96, we don’t want to change anything, we don’t want to build, we don’t want to expand— all we want to do is quietly use the property that we already have. With the new change of the master plan, we were zoned basically out of compliance and what we have is 97,000 square foot of self storage which is now non-complying. We have 35,000 square feet of retail which is complying and we have .1000 square feet of industrial, roll up door, industrial with three phase power—which is now retail. And the problem we run into, for example, we had a tenant that had been there for several years, a moving and storage company, who was destroying our concrete with these heavy trucks, so we moved him out last summer before we found out that the master plan had been changed. Since that time, we’ve brought at least four new tenants in who wanted to rent that building, none of whom are complying. So we are now out about $70,000 in rent on this particular building—we’ve passed up on some very interesting tenants who were very interested in bringing jobs to the City and sales tax revenue—but we now are sitting on this particular 10,500 square foot vacant building—I’ve replaced all the roofs on everything except this one building, I’m not going to spend a dime on it as long as I can’t rent it. And so I’m sitting here saying I have to let my property deteriorate because the infinite wisdom of who ever set up the new zoning has decided that it’s really a retail site. I’m really glad you guys didn’t decide it was a theme park, I’d be in real trouble, I couldn’t sell tickets.

But therein lies the problem, we need to find a way to accommodate what really is—we can wish that it’s a ten story office building, but the reality is that it’s an industrial building and I really need the City’s help in being able to bring the zoning around to be comfortable………I don’t know what it should be zoned……we’ve looked at Business Park, we’ve looked at Industrial……I have no idea what it should be……when it was built, it was I believe Manufacturing, it was then rezoned in 1992 or 1993 to C-2 and then with the new thing, GC—so we’ve watched this thing evolve and totally out of our hands, we find ourselves sitting on a property that’s devalued……we looked at refinancing……we’re looking at and watching Lennar come in next door and we’re going to be in a prime location……but without refinancing, we’re not going to be able to re-front our buildings and improve all the facades and do the things that would allow us to be more competitive in a new market place……. And we’ve looked at selling, but we couldn’t even sell it………I frankly think that the City of Banning is a great place to be, that’s why we invested almost $5 million dollars in this property six years ago when nobody wanted it………we had a terrible time getting financing because everybody remembered the 1991 problem……...but I really need the City’s support in finding a way to be able to utilize this property for what it really is, not what we wish it was.”

Hanna: “What would be the appropriate zoning………in your mind?”

GeneTaylor: “Well, we applied for a change in zoning to Business Park because that seemed to be closest of anything that made sense……plus you’ve got the gentleman who’s down the street, by 8th Street, who is a business park and the reality is, it’s a hodge-podge……I have no idea why the City let it be built in the first place because it’s too much stuff, too many different things……not enough parking, but unfortunately it’s there……I can’t stretch the parking lot, I’ve tried…….I can’t change those big industrial buildings into retail stores. So what I just need to be able to do is quietly use this thing……..I promise you the day that it could be a ten story office building, it’ll be gone………because as the other fellow says, we’re not opposed to making improvements, but right now what I have to do is recognize what it is and make this building be profitable ………it is what it is……like I say losing $7,000 a month in revenue doesn’t help much.”

Joint Meeting – CC & PC
- May 2, 2007

18
Franklin: “I have a question Mayor, for Oscar, what would be the appropriate way to zone this so that we could have multiple uses that would be appropriate for the structure that is already there.....Because we are talking about an area that we want to have business coming in, bringing in revenue to the City.”

Orci: “I think the most appropriate for the City probably would be a specific plan designation, because that way you can not only accommodate business needs and allow for a variety of land uses, but also establish a line of design.........aesthetic improvement.......should the applicant ever wish to come in and change or improve or add or modify, they would be required to comply with a higher level of aesthetic review or design review. As far as the applicant voiced again, it is a hodge-podge to use his terminology, and he does have a variety of stuff that the City approved over several years through out several different zoning designations. For him, maybe the Business Park would be a little easier.....but overall I think, the City, I think it’s is in our best interest to see that that use and potentially other uses be zoned to specific plan........that way you can identify parking, special parking requirements, different parking requirements........design review, you can identify how future infrastructure........putting in interior roadways and what not would perhaps internally connect with other similarly zoned properties.”

Franklin: “Is there a limit in the size of what a specific plan could cover.......a minimum size?”

Orci: “No.”

Don Smith: “Similar story, different property ..........Thunderbird Plaza..........was in General Commercial, now it’s in Highway Serving Commercial..........for those of you who don’t know which one - Tarbell, Banning Dentistry, Medicine Shoppe, State Farm......all professional offices.....none of them allowed in the zone.......who have an office building of professional things......State Farm wanted to give up half of the their space and have an engineer who designs hospitals and churches move in..........Low volume of traffic.......so even though there was going to be not a down day time from office use to office use, the new person can’t move in without first applying for and receiving a conditional use permit at a cost of about $6,000 or $7,000.........so apparently, every time under the way the code is written, if that’s going to stay professional office spaces.......I can imagine it sort of as other things.........I can’t imagine it as the things allowed in this code too easily, because of how the parking was designed.......it doesn’t really have the parking for a restaurant or a retail center or a........it’s pretty much, once again, it is what it is.......it was designed for office space, it is office space and now every time the landlord wants to move in a tenant.......first the tenant’s going to have to wait for the length of time it takes to process a CUP and then somebody’s going to have to pay these $7,000 plus whatever engineering costs, you know all the other plans that you have to do to get the CUP would actually cost. I don’t know that I have the solution for you, other than maybe allowing those types of uses in the zone.......but for instance, Haskell Real Estate, Little Insurance, I mean all these things that are in that area are professional offices are all now legal non-conforming uses..........and when all those places leave, I can’t imagine them all being the fast-food restaurants and retail stores that this code requires........maybe some day.......I don’t know if there is that many fast-food restaurants or chain restaurants.......I guess I don’t have the solution for you, I’m telling you here is a problem you guys gotta consider...we did this.......you have a lot of businesses in town that now every time you want to re-lease one, tenants

Joint Meeting – CC & PC
May 2, 2007
will have to be told you have to wait two or three months to process a CUP and either the landlord is going to have to pony up $8,000 or the tenant’s going to have to pony up $8,000 and I don’t think…….I think you’re going to wind up with some vacancies.”

Machisic: “I think there are probably a lot of us who could bring up individual problems such as that and there are probably hundreds of them in the City……but I would suggest to the gentleman here, is that the first step is I would put in writing what you consider to be your problem and submit it to Oscar and let us work on your problem……and that’s how these problems are going to be worked out……one at a time……you know, we can’t solve it by edict or ordinance, because they all have unique features to them…….just like Mr. Smith has been pointing out. But I think that if you submit to Oscar your concerns, what you have ……..have you put in writing for us yet?”

Gene Taylor: “I have submitted a zone change application.”

Machisic: “OK – then I think at some point in time it needs to come to the Planning Commission and the Council.”

Bob Keeling: “John, I started this process nine months ago with Randy – and it’s not like we didn’t try – and it hasn’t been resolved yet – and so we’re in, I don’t know how many months of vacancy now and I don’t know how many potential tenants have been turned away because they don’t have the $6,000 that they want to pony up to try to get a zone change……because nobody knows how long it’s going to take or if the result is going to come out in their favor. Businessmen don’t have that kind of time or that kind of money to go through that process……so there’s not just the fact that we’ve got square pegs in round holes, there’s some other issues that need to be resolved in the same kind, in the same context, in the same thinking……if we’re going to get business to this town.”

Orci: “Yes, we are now deviating from the non-conforming issue……what we are talking about now is conditional use permits – it’s not on the agenda and I respectfully request that we don’t go there. The issue of conditional use permits is a whole different subject matter……a CUP is a use that is permitted subject to conditions and requires an entitlement process…….it’s not before this body at this time……if you’d like for me to bring this back, it would be more than welcome to bring back the issues associated with that.

The issue, so that we don’t deviate is the non-conforming use and uses. Now again, I must reiterate that the code does allow a non-conforming commercial use to exist……as an example, as this gentleman’s example, he’s got a hodge-podge of different uses……if one of those users leaves, he can go ahead and rent it out to the same type of business……it doesn’t have to be the same name, if it’s an office, yes he can replace it with an office……and with Mr. Smith, I’ve been talking to or trying to contact his engineer to let him know that this is an office, an office existed previously, there hasn’t been a lapse of more than six months, so you can come in and occupy the use……same thing with Mr. Keeling’s issue, it wasn’t a use that wanted to come in that was there before……they wanted to come in and bring a new use……so it’s a different issue here…….I’d like to be able to talk about conditional use permits separately from this……this is really a non-conforming use issue……what should happen with these commercial uses….who should be required to correct the

Joint Meeting – CC & PC
- May 2, 2007
wrong......if there is a wrong to correct......so that’s where we need some discussion and some feedback.”

DeSantis: “Oscar, part of the problem here, I think, is the fact that the old Commercial Industrial district was actually eliminated.......and you have General Commercial and you have Industrial. And I think there were a lot of businesses that counted on that old land use and that may be where we have to go later in the future.”

Orci: “What everybody is talking about today is called growing pains.......and we’ve experienced projects that we didn’t like........there were some uses that were put on either end of the City.......that we weren’t too fond of when they were developed......so as a result of that, we created or we eliminated those uses from future zones........so I mean, this is a living document, we’re learning from our mistakes, we’re trying to move forward, we’re trying to again make sure that we have the City’s vision in mind and trying to take it where we want to take it........this is it.......we are experiencing growing pains.......these are the issues that happen when we have businesses that are no longer fitting in with that vision that we want to establish in this community.”

Gene Taylor: “Actually, we do business in about eight different market places around the country and one of the things that has become popular in many areas is to split zone....what they’ll do is they’ll put retail on the street....so you’ve got retail.......then behind it they’ll zone it Industrial or whatever requires things like self-storage, to allow things like industrial condos, office warehouses, things like that.......that’s one of the other possibilities for this site...would be to simply zone the front section as retail, which is what it is and zone the back section whatever the term is, so that storage is legal and so that office warehouse and industrial is legal. So that’s another alternative.......it doesn’t seem to be available in this City, but it is a solution that is used all over the country now.”

Orci: “And that’s something again, that the Council and the Commission can consider and we will be bringing this matter in front of you in the near future for your consideration.”

Botts: “I think those things are important, Oscar, you talked about the CUP, but that’s not the issue. We created his non-conforming use.......so I think it’s germane that we hear about this issue and the question is how do we help this person.......and I don’t mean just him, but where we are dealing with other situations.......we need to be responsive and say how do we help him fix it. I’m not asking for an answer now.......I’m just saying we make the rules different and in fact, residential, business and industrial ......we’re trying to get industry here and commercial and businesses and new jobs.......we need to figure out how can we be responsive in an expedited way........those of us in government forget that somebody’s losing $7,000 a month.......and we caused it.......through a change in the General Plan......I’m just saying we need to be really responsive, how can we help him or someone else fix it.”

Jim Stuart: “It’s very simple......go back to the C-M zone ......that’s what he wants......that’s it.......when I argued before you, before the Planning Commission and the Council at the joint meeting when Nicole was changing all these zones and confusing all the commercial and residential agents with all this new zoning...........go back to the C-M Zone, Commercial Industrial Zone, that’s what it is.......that’s what he needs.......that’s what we need on Lincoln.......I mean we’ve
devalued a lot of the properties......but if you have a C-M Zone, you can do both......very simple.....and then all the agents know that, so when they bring things in, they know they can come to a C-M Zone.....the City right now does not have that anymore.”

Orci: “Let me ask the Council and the Commission a question.....on commercial land uses that are no longer conforming and it’s a result of our recent change in the Code......would the Council want us to bring forth a potential development gratis, that’s also an issue........why should I have to come in and apply for a fee that you created..........so if that’s.....I think that will relieve a lot of headaches in the business community........having the ability to come in front of you without having to pay the $6, $7, $8, $10,000 to bring in an application........we would be subsidizing that.”

Franklin: “You said that for the City, the best thing would be like a specific plan.....so if we looked at say like the whole property there on Sunset was a specific plan, would that allow the flexibility for staff to be able to work with who ever wanted to come into the area to produce what would be beneficial to the vision of the City.......in the long term........with giving you the latitude of being able to look at those businesses we may not have considered yet, but would fall into what our vision would be.”

Orci: “Most certainly.........we can work with the applicant to put something together and if the surrounding property owners would consent, we would like to include them as well........we could resolve those issues now rather having to have them come up in the future.”

Franklin: “And with doing that would there be a need for fees being paid for use changes.........and if it’s zoned as a specific plan, then are fees involved in that?”

Orci: “Well the fees are only involved in the preparation of the specific plan document and processing of the specific plan document. Once you establish and how you establish the specific plan document.......in some cases, you could require certain uses would be allowed by right.......they wouldn’t have to come in.......they’d probably still have to go through design review.......again, it depends on how you craft your specific plan.......so you can give as much or as little latitude to the existing and future businesses as possible........so there’s a lot of flexibility in the specific plan because you’re really looking at it one area........you’re doing a focused zoning if you will, a mini-zoning code for a specific area.......so those are things that we could provide.......the issues of the fees, who pays the fees and who prepares the specific plan.......because there are fees associated with that specific plan as well as the processing.”

Hanna: “Perhaps we could do a moratorium on fees for a specific period of time........you know one year or something.......but I would think that if there’s a broad issue of one area of Lincoln or whatever.........where it seems to make a certain sense to revert to the previous category that no longer exists, that could be brought forth as just one issue that we could look at.......look at the pros and cons and make the changes and not have to do parcel by parcel........but in other cases, maybe we could offer a moratorium of fees for some limited period of time and process those at no cost.”

Salas: “Any additional comments or questions?”
Franklin: “I have one, I’d like us to move forward if we have consensus on that.......for a moratorium as well as to look at.....I like the idea still of a specific plan, because that allows you to look at a variety of things that would be beneficial to us as a City.......that we may not have considered at this point.”

Orci: “Right, the word moratorium may not be the right word.....the freezing of the fees in some respect.......I just want to make sure, because the attorney’s in the room.”

Voices: Whatever.....sure......something.......a freeze then.

DeSantis: “Also, I would like to look at the issue of resuming the old C-I Zone.”

Orci: “I’ll make a comparison.... with all due respects, I don’t think that makes a significant change because really it’s a name..........the uses are essentially the same whether it’s a C-M or C-G.....we as a body here did look at, whether or not we called it the C-M ......(tape change) or auto body repair facilities.......in the old Code, under the old zone, we allowed ......but when we revisited the issue, we said we don’t want storage facilities in our General Commercial designations....so we’re going to take them out. Now if it’s along Ramsey, we can put a footnote there.....see what we’re saying, but we did make a conscious effort to regulate the uses.......in this particular case they’ve had an impact on some of these businesses because they want to bring in the business and before it was something that would be allowed and is no longer......so I would welcome doing an analysis on the C-M Zone versus the Business Park Zone versus the General Commercial Zone and any other zone that’s applicable and bring that back to you.”

Bob Keeling: “There is a difference between C-M and Business Park and General Commercial, if you look at them.........I have studied them, a lot.......because I’ve had the task of trying to rent this building for ten months and have not been able to........specifically because of the new General Commercial designation that’s over there.......but this is not the only property that has this problem....there’s several properties in the Lincoln area.......and Lincoln is definitely different than Ramsey.......so you know, C-M would not hurt Lincoln...it would hurt other parts of the town , but would not hurt Lincoln at all.......and it wouldn’t change anything that’s existing on Lincoln now that’s being built or has been built.”

Orci: “I will bring back that comparison and analysis for you all.”

Salas: “So are we complete with this issue?”

Orci: “Yes, thank you, so we’ll look at these projects on an individual basis and come back with an analysis to get direction at a future meeting.”

Salas: “Ok, I’d like to ask the Council and the Commission if we could take a ten minute break or a five minute break....let’s go ahead and do that.”

Resumed workshop at 5:43 p.m.
Salas: “Item Number 2 – B........allow non-conforming commercial use........Item Number 1 – B......page 2......”

Orci: “The commercial non-conforming use?”

Salas: “Correct.”

Orci: “As I understand it....what we are going to do is treat them more on an individual basis and work with the applicants to come back with an application....we will then also bring back to you the comparison of the C-M Zone versus the CG and the Business Park designation to determine the existing uses versus the new uses and do a whole use comparison ......compare it against what is out there now and then identify which is the best designation for it......and which designation fits the best with the General Plan vision.”

DeSantis: “But we’re getting back to the non-conforming uses?? On page 2, you asked the question about page 2, number 2, the direction you wanted........allow non-conforming commercial uses the ability to be rebuilt or expanded........did you get your answer on that??”

Orci: “And my understanding is that in order to be able to rebuild or expand you need to come in and re-do your zoning, a specific plan, to see if that’s in keeping with what you wanted to do......and conform with the General Plan.”

2. Freeway Oriented Signs

Orci: “OK – I thank you for your indulgence on this matter – Freeway Oriented Signs as the Code currently stands allows for freeway signage for food, lodging and automobile service oriented businesses only – and those businesses have to be adjacent to I-10. As I’ve indicated in the staff report that the Planning Commission has discussed the issue of the existing sign regulations and future options...........and has directed staff to leave the Code the way it is.........the issue and the reason why this is on the agenda is I need some clarification and what it means to be adjacent to the I-10........ I have as an example, the former Taco Bell building and they are requesting a freeway oriented sign........they’re not immediately adjacent, they’re across the street on the north side....they used to have a big pole, if you drive by there you’ll see a big purple pole sticking out there. So is it what the Council meant by being adjacent to the I-10 and the Commission.......is that an issue...OK.....the other issue is I still keep getting requests by users that don’t fit the food, lodging or automobile service oriented business that would like to erect freeway oriented signs. And they are requesting, and I can see into the future and I think with notable businesses in the community, such as the drag strip........how would we treat their desire to want to be able to have some freeway visibility. I’ve included in your packets and I have some options here......again, we can keep the Code the same.......I’d like to have a definition of what adjacent means, adjacent to the I-10 freeway........I’d like to see if we should or should not address the signing needs of current and future businesses that do not comply with the current Code provisions of being food, lodging or service station. This is a photo taken of the charette billboard........this is what during the charette it was in the vision that we may want to consider these types of freeway oriented signs........it’s very artistic and frankly I don’t know if its technologically possible to build this type of sign, but it would be kind of neat......it would be a neat branding opportunity for the City.......in my humble opinion,
rather than seeing some of those big group signs that we see in other areas……and this is an example of those group signs that you generally see in other areas, OK…..(laughter, various voices)…..but I put this on as an example that you may want to see……..this is another example that was provided by Mr. Bracken…..on perhaps a thematic sign where you would allow folks to…….you would have your City branding, City of Banning, Stagecoach Town USA……..and in the middle you see a kind of an anatomic billboard, much in the way you see some of these current freeway signs…….that would allow the signs that are currently existing …..that currently have signs on the freeway and perhaps if Council wishes, the Commission wishes, would accommodate additional businesses in their signing needs there……..that maybe are not directly adjacent to the freeway.

Here’s an example that was provided by Mr. Bracken showing the existing up in the upper left hand corner and a potential of possible grouping scenarios……..whereby the City would establish a depreciation schedule and would notify the property owners ……..probably have to pay the property owners to have them moved into a group signing area……..but this is again another example. That concludes that aspect of the presentation and again, what we’re asking is …….what I’m asking as staff is a definition of what adjacent means……and we’ll start off with the easy one.”

Salas: “OK, what we’re going to do this time is start with the Council, begin with John’s end and then go to the Planning Commission and then open it up for the public comment.”

Machisic: “A couple of questions……one of those signs had “Hospital” on it……and all of you have been on a freeway at some point in time and in other states and so on where they have “Hospital” at ground level ……..about eye-sight level with a car……maybe 3 or 4 feet high……..the other thing that I was wondering, but this would be a Cal-Trans question……..is in other states, they have signs, low signs similar to the one Oscar posted where it had eating facilities and it had everything that’s on the next ramp……..same with hotels……..I was wondering, I don’t see those around Los Angeles and I just wondered maybe Cal-Trans prohibits them.”

Hanna: “They’re all up and down the 99.”

Orci: “If I can answer……those are typically signs that Cal-Trans will accommodate in quote, unquote rural areas, where there is a big distance between one ramp and another – just to notify the driver, if you don’t get off here, you’re going to be in trouble if you’re running low on gas type of thing……..in the more urbanized areas, such as the City of Banning, they don’t generally approve requests for multiple signs……..they do have the Adopt a Highway Program, where businesses can get their advertising on there……but for the most part, it’s not something in the urbanized areas that they approve.”

Machisic: “Well even signs like “Hospital, Police Dept, Fire Station, Community Center”, I don’t know, I would think if we could enter in to some of those signs, it might eliminate the proliferation of the very high signs……..but maybe from an advertising point of view, these signs are more effective than the ones that are down low……..I don’t know, I’m not in advertising……those are the couple of questions that I would have, Brenda.”
Hanna: “I’m sure we’re all eager to jump into this discussion......I’m sure we all have lots of opinions and thoughts about ............”

Salas: “As you state your comments, if you could address the issues, number 1 and 2, that way we can.........”

Hanna: “I will......thank you.......I don’t think we should be discussing this......I think the Planning Commission had several workshops on it, I think they rendered an opinion, I think that it’s done........I don’t see why we’re discussing it today......I think the definition of adjacency has been in place for a very long time.......I don’t think there’s anything new about it.......it has to have physical ......physically be on the I-10 in order to have freeway access signs....again, it’s a fun thing, I bet a hour and a half to two hours on this, but the Planning Commission’s already done it.....I don’t know why we’re doing it.”

Botts: “I have a couple of questions....what do other cities do and why have we limited it to just those three categories........if there’s any answer to that ......Number one, I think we ought to be discussing it, I appreciate the Planning Commission, but they serve to help us and I don’t know that it ever came to us to ratify unless specifically in our General Law City it says they have the power to do that......So I think we ought to be discussing it and I think we ought to consider additional types of businesses....I think maybe adjacency or close adjacency ....the new business professional building going in on Lincoln...is that immediately adjacent to the freeway?”

Orci: “The one next to Gramma’s, yes.”

Botts: “No, I’m talking about on Lincoln....the new business.....”

Orci: “The Banning Business Center?”

Botts: “Yes, the Banning Business Center....”

Orci: “Well, there’s the right-of-way for the railroad and the Cal-Trans.....but it’s as close as you’re going to get on that end of town.”

Botts: “All right, well then I’d say that’s adjacent or close to adjacent and that’s something I think is going to be coming to us........and whether it does or doesn’t, I think that’s something that the Planning Commission will hear and have a recommendation on and that will be passed on to us .....so I think we ought to examine that and I guess I’ve already alluded to number 2.”

Franklin: “Two comments.......one, I think that we do need to work on some kind of continuity in terms of signage for our City.....don’t like to see as you go along the freeway, the proliferation of different signs......and somehow we’ve got to make it so that it’s attractive as cars come through.....but also, to look at offering some kind of opportunity for businesses......if they want to pay to be able to advertise their business, then somehow give them an opportunity to do it so that it’s in keeping with whatever signage requirements we have. I would not want to limit a business if it’s here and their business opportunities would be increased because they have some kind of signage......you know, maybe for special events or something that’s happening that’s particular to a certain period of time......but I would like to see somehow if we’re able to work out something is
progressive thinking, reduces the proliferation of signs so that we’re able to maintain our scenery and also allow opportunities... I don’t know how we’ll do it all together, but I’d like to see us be able to work on something for that.”

Salas: “Just really quick, I’d like to be able to share my feelings......I think we have to have an organized way of doing this.......especially as our community grows......so I wouldn’t support something that would be not on I-10.........and when I consider I-10, I mean backyard, if that’s not your backyard as a business, then you shouldn’t be including that.......I don’t consider Taco Bell backyard.......but if we do have a large sign with all the businesses on it and there’s additional room on the bottom part and they do want to rent that space, I have no problem with that......if it’s part of a larger plan in an organized manner.”

Machisic: “I think the basic question I would ask and I’m sure the Planning Commission has studied this.....I think it’s along Bob’s comment........is that who could be represented by a sign and potentially how many businesses could advertise........because then you would have to make an estimate what kind of signs, how many signs and so on.......I think those are the two basic elements... who gets to advertise out there and the second thing is how many of these people who want to advertise are there?.....I have no idea......and I assume the Planning Commission discussed this.”

Salas: “If it’s food and gas and it’s right across the street from the other places, I can understand......but if it’s miles away from the corridor......if it’s roughly close........I wouldn’t have a problem with it.”

Machisic: “What I’m concerned about the number is that if you say OK, we’re going to have enough signs for forty businesses.....OK and if you plan to get more business in town and you have sixty.....where do you put those signs?...I think you just need to have a plan, whatever it is.”

Salas: “I agree with you.”

DeSantis: “The problem with freeway oriented signs is if you go along I-10 into Redlands lets say or into San Bernardino, the only large signs you’re going to see are the ones that are right next to the freeway......you’re not going to see a Jack-in-the-Box that’s on the other side of Redlands Blvd. being advertised on the freeway and they’re just signs that belong to companies or businesses that are right there, that’s in their backyard as Mayor Salas said. Thematic signs are great.....but thematic signs usually come with new development.......when you get a new shopping center or when you get a new city that’s being built and they want thematic signs.......if we .....those lollipop signs that we see in front of the fast-food places are very, very expensive.....and I’ve seen cities go through the motions of trying to get businesses to go into thematic signs.......I would love to see that happen here where the lollipop signs came down and we put up the thematic signs.......but it’s not that simple.......but maybe that’s something we should approach to see if they would be willing to even just look at it......OK......as far as the two questions on page 3 that you wanted direction on......I don’t think we should allow other people along I-10 to advertise if that sign is not in their backyard.......however, I can see something like the Drag Strip or the Business Park which you’re going to be able to see from the freeway.....have a sign that can be seen from the freeway, not on the freeway, but in their property where it can be seen......or if there are thematic signs, then you could
have them included in a thematic sign.....but I’m afraid, I don’t want to say we’re going to put thematic signs and then allow the lollipop signs to stay... cause then you’re really going to have a super proliferation of signage.....and so that basically I think answers both questions......I mean as far as I’m concerned.”

Hanna: “Could I ask a question to you....it sounded like you were saying that as far as adjacency it does not have to be adjacent......that you would permit the Drag City or anyone else away from it to have a freeway oriented sign.”

DeSantis: “No – to have a sign.”

Hanna: “Well, but if it’s visible from the freeway, it’s a freeway oriented sign.”

DeSantis: “Well, I’m saying on their property........if you look at that Business Park on Lincoln, if they put a sign down there, you’re going to see it as you’re passing on I-10.....on their property.”

Hanna: “And you’re not suggesting that they have a major massive......”

DeSantis: “Lollipop sign? No.”

Hanna: “They have an appropriate sign for their particular business.”

DeSantis: “Exactly.”

Botts: “Point of information.....you’re talking about thematic signs.....define that......I guess as I’m thinking, we have a thematic sign proposed probably but it’s a reader board.....it’s a message board.”

DeSantis: “It’s similar to the one, the City of Banning one that Oscar put up....that one, the second one, would be a thematic sign.....and the first one he had is like a digital TV thing where you’d get the constant change of advertisers.”

Botts: “And you could advertise Drag City......”

DeSantis: “That is ideal, but then how do you get rid of the lollipop signs.”

Commissioner Barsh: “I am really for an electronic sort of sign similar to the Morongo’s sign.....where people have an opportunity to advertise their business ......not all the time....they get a lot of businesses on there......they’ll have to pay for the service......but I think that would give people an opportunity to advertise on the freeway for anything at all......but it would only be one sign, but it could effectually advertise forty or fifty businesses.....it wouldn’t be on full-time, but the people would see it....it would make an impression on them and if they designed their section of it for those seconds, they would get coverage and we wouldn’t have the proliferation necessary to do all those businesses........so that’s my feeling.”

Escandel: “I don’t like the concept of freeway oriented signs......I know they’re necessary....I think that the limits that we put on them......I don’t believe that we have one on the south side of I-
10.....freeway oriented businesses.......I think we restricted it from having freeway oriented signs on the south side of I-10......I think we left it only on the north side and only on the south side of Ramsey and that's the reason Taco Bell specifically didn't have one.......even though they had a tall post, they didn't have a 55 foot sign, I don't believe.......when they finally closed down due to the fire......I would like to see, yes, the Planning Commission did say leave things unchanged......I think we did that a little bit out of frustration because none of us particularly cared for freeway oriented signs....we couldn't figure out where we wanted to go.....with what rules and regulations that were proposed to us.......anyway, that's the reason we just said leave it like they are....I thought we had directed staff or it was staff's idea that maybe we should have a workshop after that and that's what transpired to come here.......what's happening with the freeway oriented signs is the same thing that's happening with the new building that's coming into town.....we put limits on things and nobody wants to live by our limits........55 foot signs, 35 foot buildings.....the Planning Commission now has three buildings and the first was 50 some feet and the second one was 55 feet or more and the next one was 64 feet.......signs are 65, 75, oh well, the guys next door to me, his is 55 and I gotta have mine seen, so I gotta be 65.......they just keep going up and up and up and bigger and bigger and bigger.......I, too, don't like the lollipop signs and I think the thematic signs would be great if there were some way to phase out the lollipop signs.....put them on a time clock has been suggested to me.......where they would have to come down......if you put maybe five, six or eight thematic signs ....three on either side of the freeway, double sided...you could have a combination of that type that's on the board now......plus the one right before that, Oscar...you could have a combo where you would have a changing sign, where you could buy space, it could be done...............I'm talking about something like the one in Beaumont that doesn't work.......which is ugly.......but anyway, I would love to see something like that in Banning and all the freeway oriented signs go down and all the billboards go down, too.”

DeSantis: “I asked Mayor Salas if I could just make a comment......we have not let any one of the freeway oriented signs go above 55 feet.”

Escandel: “No- we haven’t, but there are in town.”

DeSantis: “Well, the Sun Lakes one itself is that .....you know 70 some feet.....but we have not in our deliberations allowed any of the freeway signs over 55 .....so I want to assure you that.”

Escandel: “In our deliberations, yes........but the Farmhouse is 75 feet.”

Botts: “Point of information.........Commissioner.......you’re saying that we do not allow any business oriented signs on the south side of the freeway?”

Escandel: “I don’t know that for certain.”

Botts: “I thought you said that.”

Escandel: “I don’t know that for certain.......I think it may have been restricted, but there’s nothing over there that has required one as yet.”

Botts: “Do we know whether in fact.........”

Joint Meeting – CC & PC
- May 2, 2007
Orci: “What I was going to do is respond to everybody’s comments, including that issue of the south side.”

Escandel: “And I don’t know if it extends to the north side of Ramsey, either....for some reason, I didn’t think we did, years ago.....I can’t recall.”

Hawkins: “I haven’t been on the Commission long enough to hear all the rationale on why the sign ordinance is the way it is......it’s been my experience that people that are driving down the freeway are either looking for a place to eat or a place to sleep or a gas station.......and I’ve never seen a sign advertising a dentist or an attorney or something that’s not pertinent to what you’re......you know......and you’re moving pretty fast.......so I’m not sure a sign that changes is going to give everyone a chance to see everything that’s on that sign......so I really like the example that......not that one......that one......that’s pretty common as I’ve traveled across country, I see those signs and you can spot something that you are familiar with and it keeps a lot of those big billboards and stuff off the freeway.”

Dickson: “I agree, I like this sign......but we did talk a lot about it in the Planning Commission and the one thing was how do we go through and get rid of all the lollipop signs ......that in itself would take years and years of some type of amortization to get rid of all those......but I think most of the people associated with commercial real estate know that when you buy a piece of property, one of the premiums they put on there is freeway exposure......so really when you start looking at who would really have preference on these signs along the freeway it should be the people who have paid that premium already to have that luxury of being on the freeway. And that’s one of the things they pay extra for......so I think that’s something that if you look at the signs sticking up there, most of them are ones that have, guess what, I-10 exposure. But it would be nice if we had something like this sign here ......but to go through and to get all those other signs down, it’s going to take years because you have to be able to amortize out the cost of those sign back to the owners, if I’m speaking correctly.”

Machisc: “Comment...that thematic sign that you had up there......flashing the advertising...I think that all the companies would be opposed to it....the reason they’d be opposed to it, they spend millions of dollars for identifying their symbol – whether it’s McDonalds or like the Hampton Inn and you know.....it’s copyrighted and I’m sure they wouldn’t want to give that up, because when you see a certain kind of sign.....you don’t even read what’s underneath the sign....you recognize the symbol......McDonalds, its Taco Bell.....and I doubt that any of them would support a sign of this kind.”

Salas: “But is there a way to combine the two? I really like the one with the ......”

Orci: “If you see the exhibit and you look down below.....down here..”

Salas: “With our logo....but it’s not as big as....”

Orci: “As the reader board and the other....”
Hanna: “It seems kind of odd to me that we lay people are making giving direction on an issue that really should be research based, market based......I mean John has his opinion, which may well be true, I wouldn’t know......but it seems to me we need to have some market research before we make our decisions......directing staff.”

Salas: “Why don’t we do this......let’s listen to the public and then we’ll come back.....”

Mike Bracken: “I probably can save most of you some time in this.........let me give you some history....approximately a year ago I got a phone call from Randy Anstine asking me to get involved with the Banning Business Center project.......and most of you individually, I’ve told you this story, but here is the reality.......it was a great vision and you did not have an Economic Development Director at the time and Randy needed to make sure that that project happened, because that’s what many of you wanted.......to be a job creator.......well, one of the issues that was relative to this Banning Business Center is the concept of the developers, Mike Oman and Jeff Gilbert, wanted....some signage.....that was to drive business...and by way of background, some of you know this, some of you don’t......so I’d just rather disclose it so it’s not whispered, once you go on break......I’m a former City Councilman, my wife and I are former residents in this community.......my company now is a development company, we also do a significant amount of economic and redevelopment consulting for cities and counties all over California, Arizona and now Nevada.......grudgingly, but now Nevada.......here’s what I’ve come to the conclusion with respect to signage......we struggled with the same thing when I was sitting up there......the situation now is this area up here (pointing to screen) and it’s the sign proliferation that almost every community faces and it was interesting that about the time I was starting to work on this and get the research and everything else........and Barbara, I gotta tell you, I would have come to the Planning Commission at that point, if I thought I had enough information to make an intelligent argument.......well the good news is, about that time and this was in mid-November, I went over to watch my alma mater, Cal State San Bernardino, play some basketball in Arizona and I went through all those newer cities.......Surprise and Goodyear, all the cities that are popping up around Phoenix.......and they’ve come up with a system, this is nothing all that creative, this is stealing from them.......and the reality is......how can I started saying to myself, how can Banning brand itself......how can Banning create an identity......not just for the people that live here and already know where they’re going......but how do you create an identity for people who are coming through here at 80, 90 miles an hour......what I came to the conclusion of and I sat down with Randy and Oscar right before Christmas......cause I was on my way to Las Vegas to watch my alma mater play basketball that day......I do that a lot......I came to the conclusion that from a 30,000 foot view, a public policy view, that if Banning said to itself, all right what we need to do is this......we’ve got some big projects coming......you have Banning Business Center, 150,000 square feet, mixed use business park, 300 to 500 jobs......you have Drag City coming, you have the Lennar project coming, you have your auto dealers that now and again make noise about a new auto mall......I mean all of these things......I said to myself......and I took a map of the I-10, remember when we sat there and I did this......I said, well what if the City had two or three of these types of signs......especially in areas that are more oriented toward these chains, I forgot who made the comment about chains and logos......but, oriented toward the chains, like this particular corridor here......what if you also had a system like this in a couple of locations in the City that were more of lack of better term, special event locations......or locations that you’re not just advertising, Mr. Hawkins, hotels and gas stations and fast-food restaurants......but special events, like Drag City or like Banning Business Center.......and I want to

Joint Meeting – CC & PC
- May 2, 2007

41
give you some preview with respect to Banning Business Center and why and it’s a very valid argument.....why would an office / industrial park need this type of signage...what’s happened is and I’m going to introduce a term that many of you have read...boutique medicine.....some of the users who are going to go in there are people like high-end cat-scan folks, high-end MRI folks, kind of the more boutique medical users....and those are the folks that need to make sure that the public understands what they have.......well, are they someone needs, you know, “San Gorgonio MRI” right here.....absolutely not......but what they do need and what their comfort level is, is if they have some way of getting some exposure....well, let’s take this a step further for a second and I said, you know and we talk with Oscar and Randy .....I talked with my corporate attorney, which happens to also represent a ton of municipalities, Best, Best & Krieger.....they are extremely skilled at this and they said, well how do you do this....and it confirmed something that Oscar had said, it said you know what happens is you start putting these companies on amortization schedules for their signs and you’re absolutely right, it’s ten, fifteen, twenty, twenty-five years away......you know what, I was thinking, in fact it was weird when I saw Don, don’t associate me with him, but it’s OK for this comment.........(chuckles)....my wife and I bought our first home a week after college, here in Banning in 1992.....that’s fifteen years ago.....I had hair and I was skinny and I was good enough looking she married me then.....but if you think back fifteen years, if this had been done fifteen years ago and I’m not pointing fingers at anybody, but if this had been done fifteen years ago, well now we’d already be through that.....so at some point, if you believe in amortization, if you believe in the depreciation concept, if you believe in branding your community somehow with this .....and I’m not saying, approve this sign....I’m saying let’s create a mechanism to where the Planning Commission and the Council can consider this sign......because Barbara with all due respect, right now there is no mechanism to even get this on the agenda......there isn’t a mechanism because there is no allowance for it in your code.....so Oscar sits across the table and says denied, because there is no mechanism, all due respect to Oscar, he’s got to do what his books say.......so I guess, I’m sitting here saying, from a big picture sense, here’s an opportunity as we look......and it was John Machisi who fifteen or twenty year vision.....with respect to some of the issues you were doing in the first hour.....if we start to have that same ten, fifteen, twenty year vision with respect to signage, image the community that you have maybe five or six of these total.....you know three on the north side of the street....two on the south side.....or something along those lines....now you have a way to advertise these folks, advertise your special events.....Oh boy, if you do this right, maybe even the City either owns the sign or owns a portion of the sign.....to advertise Stagecoach Days or other things as part of the entitlement rights......so anyway, I’d be more than happy to answer any questions.....I know I’m being very casual in calling people by their first names, but it’s a workshop and it’s meant as a way for us to try and communicate from a business sense......you know, I’m a part of a $40 million dollar project with Banning Business Center that’s exciting.....as you are aware, because we’re just starting the process, I’m a part of a $150 million dollar project to produce some power for this community.....so it’s an exciting time and this is all growing pains conversation.....and if I’ve offended anybody, other than Don, I apologize...but I’ll do anything I can to help you out and answer questions and I said everything that was on my prepared sheet.”

Salas: “Any additional comments from the public?”

Mike Oman, owner of Banning Business Center: “Jeff Gilbert, my partner, refuses to come to these meetings, so I come for the both of us.....Mike said everything that I hoped I would be smart enough to say.....but I do want to say that the Banning Business Center......my goal for the Banning
Business Center is to bring in the highest quality employers that I can....it’s not a typical business park that’s here for us to lease up and create revenue......this is something that we’re going to sell and it will be part of this community......and going through this sign and getting excited about it and the video and all those things......they’re important to bring these companies to this community......it gives them the reason for coming here....I have ....I was trying very hard to bring to you tonight a letter of intent from a medical group down at Eisenhower Medical Center....One of the buildings at Banning Business Center is a medical office building.....we have a medical office building, a legal office building and four others.....we’ll be tilting those walls in four weeks.....four to eight weeks to get them completed......but this will be done by November ......the medical group in very excited about this concept because of the video sign or because of the monument sign ......if they could have that kind of identity......it’s not the traditional type of use and you’re right, these freeway signs are typically for these fast-foods, etc......but that group was so excited about the opportunity to come here and buy the entire building, which would really start our project off on a strong foot......give it a very high quality image for all the other users that we’re trying to attract....and in real estate that’s a very important thing......if I were to sit back and wait for users to come to us, I think that financing and times and the pressures that we would face could lead us to where we’re just taking in users and that’s not good for the community......this is a park that’s really different ......these will be owned......these people will be invested in the community and they have that extra push of having exposure to the freeway and I think if it’s done in a manner like this it gives the community a great image and then it should be a surprise as to how successful it could be for all of us.”

Jim Stuart: “Enough said about Banning Business Park, right? I’ll address the rest of the freeway....How can I start this.....one thing is I got the news today, some of you know that I’ve been working on keeping a certain business here in Banning......I got the news today that they will locate on this one particular site on the south side of Banning with two conditions.....must have a freeway sign and they must have a median break......if I go back to them with a yes, they start making the agreement and the building starts to get built as soon as the changes go through Planning......but that’s typical, but this is one that I’ve been working on for about four months now to keep them in Banning and by the way, we’re pulling them from Beaumont.....right now they’re looking at a site over there, but this where with these two conditions.........freeway property, right now today, on the south side of Ramsey averages $10 to $12 a square foot more than on the north side of Ramsey......now, that’s for that automatic frontage.......the higher that you guys let those hotels go, the higher the signs are going to have to go......that’s one of the big problems......that particular set up right there, I think should be....... If it can be worked out, maybe even owned by the City ....possibly enough footage prior to each major ramp....that they would serve with the signs....I think that would be fine.......I think if you put it up today and the new developments like the restaurant we’re working on...... on Ramsey, next to the hotel that’s coming in.......well then they won’t need that sign, they can go on your sign.......the retail store that’s going to stay, they want their own sign........however, the developer is willing to, if we can work with the City to put something on that property, then we can advertise more than the one.......maybe we can get a sign ordinance or a sign plan designed like this one ....that is the one that’s allowed and that’s it........sorry, but we’re not going to get rid of the billboards.......I hate them.......when I sell a property, like we have one going in escrow right now......the billboard company is already fighting us and threatening law suits, because of their lease.......they get to keep their billboard......so and that’s another problem, because those billboards are a major situation and on the Indian land, of course, there’s no
restrictions....the cities are having a hard time restricting them....that's something we might have to look at in the future....but for today....I think if you adopted a plan such as this for the City and picked out some areas....say like between 8th and Hargrave, prior to the off ramp and I'm only sticking to the north side, because that's where most of it is now....and Mike would have his property, to be seen from the freeway....you all know ....something's got to be done because people are paying more to be next to the freeway or next to the tracks....I mean it's just a premium, it's the real estate market, it's the retail market....now one of the things that you guys want, you want the sales tax.........you want the sales tax from the restaurants, we are half way between Los Angeles and the border of Arizona ........and people are pretty hungry by the time they hit this area ......where they need fuel....where they might want to go to sleep.....so that sign is going to generate, besides the business stuff that Mike is talking about and the new stuff and the fact that if somebody's got a chest pain or something and they're driving.....oh, there's a medical facility and pull off the freeway....the idea of it is it's a two fold thing.....the commercial pays more for the property next to the freeway for the advertising which he can put it on his building and so does everybody else .......and the thing is if you have a sign plan, that's it ......here's the signs, we're going to put one here, we're going to put one here, and one prior to 22nd and one prior to Sunset....then you flip it over to the other side....now on the 47 acres there next to Albertsons, that plan, if we get that together.......I mean that could be a part of the plan....that's a new project that could be incorporated into that.....there's already the big sign there.....you gotta remember one thing and this is mainly for the Planning Commission, the higher you let those hotels go, the higher these people are going to need these signs cause they gotta get them.....I mean right now, the project I'm talking about on Ramsey has got a four story hotel behind it.”

Orci: “May I ask you a quick question....the business that you spoke of earlier, is that property located immediately adjacent to the freeway?”

Jim Stuart: “No, it's on the south side of Ramsey....it's got Joshua Palmer behind it....which doesn't exist any further east .......and that's another situation....but if we do the drawing that we were talking about with the freeway situation, then it will be...but the bottom line is they're still paying a lot more money and it's the only site on the south side of Ramsey that's available to keep that particular business in this City.....they need a 21,000 square foot building, which means just for them, we need an acre....so and this is a six acre project....so I like that sign, I like that concept and I think that the new stuff could all go on it, the old stick signs ...they spent a lot of money on them and I think that once the new takes over, things will happen......I don't know what you'll do about Lamar, cause they're going to be a pain in the......you know......they already are with two properties that we have in your city in escrow with Lamar signs.....a third one that's ready to go in and the fight is over the Lamar sign.”

Don Smith: “I think for four years we had committee meetings about what to do with the signs, our sign ordinance and the business standpoint, impossible to interpret and from the staff's standpoint, they have no idea what it means either.....it's a hodge-podge of all sorts of weird stuff and what's allowed where and it's a mess.....so maybe breaking it down into these little brackets is a good way to finally work your way through the sign ordinance......because after four years dealing with the Chamber, the Chamber couldn't come to a consensus what the business community wanted, the committee couldn't come to a consensus, and the Council just threw up their hands after four years and said, “We give up”....the old signs, I'll call them the old signs although some of them aren't that
old...when you at the ones in the upper insert speaks of a community with lots of businesses...not necessarily one that has a business plan...that’s a cohesive business unit, it’s just everybody’s out there on their own trying to attract business to their location......the sign Mike stole from Arizona and suggested that perhaps that somebody’s already invented the solution to the problem.......certainly says this community is more upscale than that community over there.....it has a plan, it has a vision, it’s neat, it’s orderly and the businesses that you’ll go to when you get off the freeway will be that type of nice, neat orderly place you want to go rather than this disorganized one in the upper insert......probably create more people getting off the freeway and more freeway tax dollars.......whether or not six spaces is enough for that intersection, you might need more, I don’t know..........something you’d have to look into.....the issue of how do you get rid of the old signs? ....you probably can’t legally, you’d run into a few law suits if you told them they had to take them down tomorrow........but you could, if you actually starting putting up those signs, tell them “You’re not getting your logo on our nice big giant sign until your sign is gone”.......and that’s one way to perhaps get them to move a little faster.”

Salas: “Any additional comments from the public? Seeing none, we’ll go back to Council and Commission.”

DeSantis: “I’d like to make a comment about these signs and people’s reactions or people’s attitudes towards signs......and I shouldn’t do this, but I’m going to do it......I lived in the City of Westlake Village, where billboards were not allowed, pole signs were not allowed, freeway oriented signs were not allowed......we had no signs.......and yet people from all over southern California came to our doctors, came to our restaurants, came to our gas stations, because they knew that they were there......they knew it through contacts, whatever.........we never had any problems...it boggles my mind that people feel or think they have to have....in order for their business to be viable, they have to have a freeway oriented sign....and it just is not the truth....when you go down a freeway, like the I-10 in Banning, you ignore the signs, there are so many that your brain cannot even comprehend these signs......unless you happen to be looking for a McDonalds or a particular gas station....so I’m not sure that the business is going to be more viable because of a freeway oriented sign.......and that’s just my thought....thematic signs, I love.”

Franklin: “I think I take just a little bit different view than Commissioner DeSantis, as a traveler, it helps to know if you’re in an area that you’re not familiar with......you just have some general idea where you are......that you have some idea of what’s in the city that you are passing through.........and I think that if there’s a way that we can group the signs.......and I like the idea that we tell people, you can put your logo or your brand on the large sign, but your other sign comes down......but to combine the two......I like the presentation that was given by Mr. Bracken......that gives us the opportunity to show our progressiveness as well as to allow businesses to advertise......because they will ...businesses do want to advertise and we are in a community where people are here because they want to make money, but we want them to make money to help us....so I’d like to see us be able to combine the two ideas.....and move forward with it.”

Hanna: “The Council is in the midst of several workshops and kind of developing our identity and so forth......and one of the thoughts that we were just beginning to develop and how it will be....kind of enunciated for us, the future will tell, but being an innovative city......and I think that along those lines we should look at this carefully and try to get the best information out there...not the sign
company research, but really the best research out there...what's coming...rather than...this is old school....I mean how old is this approach...ten years old, I mean I've seen it...haven't we seen it....it's a number of years old...it's innovative for us at the moment, compared to what we have....but I'd like to see what's out there...you know, what's coming up and really base whatever we do on the latest research...the emerging technology and information...and just in terms of billboards...a couple of years ago I happened to talk to one of the major billboard company's representatives and they said they would be very interested in talking about merging...say they had two billboards or four billboards, combine those into one and doing an electronic version or whatever, upscale it quite a bit...so I don't think we should dismiss them out of hand that they're not willing to do something...if they see it's to their advantage, they might be willing to do something.........so again, I'd just encourage us to get the latest information so that we're not doing 1970 stuff in 2000."

Escandel: "I want to refer back to Councilperson Machisic's first statement about the little blue signs that are there along the highway that says, "Gas, Food, Lodging - next exit" or if you miss this one there's going to be twenty-two more miles...and just a thought that was passed on when Betty you were talking about not having any signs in Westlake Village, I don't know how many times I've been driving down a road, wanting to get something to eat and maybe I saw something that said food or reminded me of food and I said, let's pull off of here...it might have even said McDonalds.....but I wasn't looking for McDonalds......I said well, if there's a McDonalds here, there's got to be something else there too...and maybe we should have just big signs on our freeway that say, gas, food, lodging, next three exits...you know...I know that's silly.....but we don't need the lollipop signs...it's just graphic, we don't need them."

Hawkins: "I sort of like this gentleman's idea on a way to eliminate a lot of the mish-mash signs that we have out there.....if we adopt a sign ordinance that placed a sign similar to this one at the three or four off ramps that we had and gave the companies that have this mish-mash sign an opportunity to get on one of those, but they have to eliminate the existing sign and they have the one opportunity as we're putting these new ones up.....you might eliminate a lot of that junk that's sort of offensive to what we're talking about...but I think he was on the right track with that and it might work, I don't know."

Botts: "I certainly support what Mike is putting forth and I think around the table, we'd all like to eliminate the lollipop signs.....I don't think there's any disagreement there....although I would disagree with Commissioner Desantis, having lived in Santa Maria and driven through and driven through and it took me a long time to find out what was in Westlake Village.....took months to find the shopping center and restaurants....so maybe there's a happy medium.....I do think we need some things that will lead us off the freeway....but I like this, I agree with Council Member Hanna, let's look at the latest, most modern technology....this may very well have been around awhile, but it may be brand new and working very well in Arizona."

Hanna: "I know we all know this....I just want to encourage the thought...this is a beautiful area...because of the mountain vistas and so forth......we want to make it as beautiful as possible......Bob and I had an opportunity to sit with a developer just before this meeting and he said always when he left the L.A. area as soon as he got into the Pass....it was like he was out of L.A....it opened it up...you know to the mountains and to the gorgeous things....we don't want
to have this trash out there and anything we can do to eliminate it as much as possible is to our benefit as a community.....for our residents as well.”

Mike Bracken: “One point of clarification, I am in no way asking either of these bodies to consider the design that’s in front of you...we put together a number of things including the horrible looking ones purposely to kind of show what these things are.....by all means does this City need to determine what it’s brand is, what it’s logo is and everything else...it was more of this is the concept, this isn’t necessarily the colors, now if you like them that’s great ......it happened to be this particular graphic artist’s interpretation of this community......the other point I want to bring up and it kind of goes to something Don said in a way and it’s though that Barbara said......you have a Banning Business Center that’s under construction.....they’ve poured foundations to some of the buildings....you have walls being tilted....Jim is working on a number of projects......you have this proposed race track......please do not bury this thing in committees for two or three or four years...let me tell you what will happen and he’s taking notes and I’m going to ask that they’re verbatim, even if I have to pay for it and I have no problem paying for it.......cause I will make this prediction, if this community does not deal with some form of a sign program like this, that helps businesses like what are going to go into the Banning Business Center, that center will be bankrupt....it won’t make it......it can’t because of what the market demands are and with all due respect to Commissioner DeSantis, the economics in this particular region are different than the economics in that area...part of it is because the establishment community and the fact that you already have things like the lollipop signs there......is this somewhat of an incremental to a public policy problem, yes......but again, this is where I kind of remind you, when I first realized there was a sign problem so to speak, that was posed to me through Mike and through Oscar and Randy, I took the approach and Mike will tell you this, I said Mike, I’m not going to solve this problem for Banning Business Center, I can’t......because it would be poor form on my part, mostly because I know better......I’ve been told by my mentors in this business, in the Redevelopment / Economic Development business, that if I know better on something I can’t just get away with it because I can...I said look, I gotta back off and start looking for how this thing can be solved for the good of this community long term......all due respect, I’m 37 years old.......I’m going to be around awhile.....I gotta make sure that two, three, four or five years from now when I have projects before you, that you’ll actually take the time to consider these projects and not have burned the bridge to make a few bucks on the first one......and I think I’ve been fairly successful in my career keeping that in the back of my mind......that’s why we started working again on a public policy solution by all means, Barbara, I would love to see these two bodies appoint an ad hoc......do two things today, one is say to Oscar...Oscar, by all means bring us back the language that allows these bodies at the appropriate time to consider this......cause right now the mechanism doesn’t exist.....I would love for the two bodies today to give him that consensus and direction......bring us the mechanism......and then the second thing I’d love to see and I’m speaking for Jae Von Klug, who isn’t in here right now, but I’ll take that hit later......is I’d love to see these two create an ad hoc with Jae to go ahead and figure out who should design these, based on what this community wants......that way, when we come back and work with this mechanism, you have a vision for your community.”

Jim Stuart: “I agree with him......this sign thing has to be addressed immediately. One of the things I would hope you would not even think of considering are the flashing signs......moveable ones.....first of all, people are struggling to read them, bang, accidents.....this is the simplest and probably the cleanest situation to keep the Banning logo in there and also to have enough room for
special events... put up special events when Stagecoach Days are here or anything else the City wants to do... they can put it up on the freeway... but make it always big enough so that at 80 miles an hour, you can see it... but it is essential... we have a lot of things coming to Banning and this is going to be a major issue because they’re paying a lot of money for the Ramsey frontage on the south side of Ramsey and I think that special attention, since Oscar brought it up, is going to have to be taken between Highland Springs and Apex because we do have freeway frontage, but we do have Joshua Palmer... which may or may not be there for a long period of time... but we need to consider everybody along the south side of Ramsey as one group... and we also need to consider height... I think four stories is high enough, unless somebody is coming pretty soon with a five story hotel... it’s just going to cause everything else to go higher... the Council, the Planning Commission, sign program... it’s what’s needed... and when you put that ad hoc committee together with Council and the Commission and Oscar and maybe a couple of commercial real estate agents to help you with the commercial side of it... I would be available and I’m sure Mike would or either one of them or some of the other commercial agents in the City... just think of what I got hit with today.

Franklin: “If we have consensus, I’d like us to be able to move forward, cause I do realize that time if of an issue... so if we do have a consensus to recommend the wording for the policy based on what you’ve heard already tonight, we do want to have some kind of...”

Ori: “When we first went around the table, I understood that you only wanted signs that were adjacent... immediately... for businesses that were immediately adjacent to the freeway... I was just wondering if that is still the case.”

Franklin: “I don’t think so... only because you look at like Drag City... that’s no adjacent to the freeway... but we would want them to have some way to post when they have special events.”

Ori: “And if these businesses are not directly adjacent to the freeway, you’d like to see some sort of grouping... not necessarily a higher, bigger, taller sign... that it be more visible from the freeway because it’s two or three blocks away... as in the drag strip it’s on the other side of the airport... you certainly don’t want to see anything like that.”

Franklin: “No, more...”

A couple of seconds lost in tape change.

Ori: “... the freeway... would determine the most optimal location for these... we’ll have to speak with the City Attorney, because there are issues about amortization and funding mechanisms and things like that... we can certainly take that back... as far as that direction goes, with businesses that are in the planning stages as we speak, that are not again directly adjacent to the freeway we’ll ask them that perhaps they can wait... with these provisions to come in and consider signage along these thematic areas rather than having a taller, bigger sign along their properties... that’s what I understood we said... and if there’s any difference, let me know... again this is a growing pain issue... we’re transitioning from a traveling community where people stop by to a community where people are living, working and doing their business here... and we are having
businesses that are other than food, lodging and service stations........and other communities do nothing, other communities near our community are putting up freeway oriented signs........for businesses directly adjacent to the freeway and those that aren’t directly adjacent to the freeway and if Council would like us to come back with a design that’d be great.......we can talk about branding opportunities..........I would recommend that because branding is a very difficult and cumbersome issue, that we may direct staff to put together an ad hoc committee........membership roster consisting of Council Members, Commissioners, and public to sit down and go through that branding for the City.”

Franklin: “At the same time could you also work on a time frame to get this resolved.”

Orci: “Right……I’ll have to speak with the City Attorneys because we’ve talked about this at great length and the big issue that we’ve been struggling with is compensation to the existing businesses for taking away their signing rights, if you will, along the freeway.......and there are according to the Attorneys, there were legal challenges that where cities were required to compensate these businesses.......so whether or not we do an amortization schedule, there’s still a compensation issue and it needs to be addressed.......and that is usually what makes the process longer.......but as was indicated tonight........if we start today, hopefully in fifteen years this will all be taken care of.”

Salas: “So you’ll get us back more information as you go along and that way if any of us have questions we can ask them to ......outside...or ....OK.”

Botts: “I’d specifically like to reinforce your idea of using some ad hoc folks from the Council and the Commission and the major strategy is new signs and so forth.......to me we need to get rid of the old ones, but we can’t let that hold up the process.......of developing a sign strategy and attorneys sometimes...progress grinds slowly....any attorneys here.......throw mud in the process.”

Don Smith: “Right, that’s our job...........I have a definitional policy question........what Bill said earlier, just popped into my mind.......the reason at some point in time the City’s position was these freeway oriented signs could only be on Ramsey and not on the south of the freeway.......because there is no business that is freeway oriented on the south side other than Southern Pacific Railroad.........so what is your intention........are those one on the other side of Southern Pacific Railroad freeway oriented according to the policy you’re developing or aren’t they?”

Many voices at once......

Botts: “Do you need feedback on that.......”

Orci: “One of the issues I was going to respond to ........one of the questions is ......we don’t have businesses on the south ..........we don’t signs on the south side is because we don’t have lodging, auto service and restaurants........to have that signage........so that’s an easy reason why we don’t have it..........our Code right now as written doesn’t necessarily prohibit those signs........with your interpretation of adjacent ........so that’s I think, the zoning is the principal reason why we haven’t seen those signs along the south side of the freeway.”
Machisie: “Yeah, the important thing that we want to do is we have 110,000 cars that go down the road every single day....and we want to do whatever catches their attention to stop and look at us and try us at least once....and that's why, you know, in all deference to Betty, is that I've been to Westlake and when I looked there for a restaurant, I chose a ramp and luckily I ran into a restaurant....also Santa Barbara is just the same way and those are different kinds of communities....but like I said, we've got 110,000 going down the road every day and we want to call their attention to us.....also we don't want to make a mistake....our neighbor made a mistake....there's a monstrosity up on Highland Springs....and you know it was supposed to do everything but talk.....and that took about two or three months until it stopped talking and it stopped moving and stopped everything.......and I'm sure they invested a sizable amount of money and it's just a very large sign now.......the other thing that I see is that we do have to have a plan and what I see and I've heard some obstacles that we're going to have to overcome........but we just got finished talking about residents in commercial properties and industrial properties and vice versa and they're obstacles.......and as we change and develop a plan and look down the road, we're going to have obstacles, but I think we can overcome them, you know, one at a time.....but we do have to have that plan in place and decide what we want to do and let's forge ahead and overcome the obstacles.”

Botts: “I promised my compadre here to be sure....I know we're all aware and we trust that Lenmar is going to move forward and that's 48 acres of retail....so again that's the south side and I think we need to make sure we're thinking about that.......that potentially we'll have 48 acres of retail....and they're going to want signage, I'm sure.”

Machisie: “A sign like that.......could that be double sided?”

Voices....“it is.......yes........”

Hanna: “I just want to suggest that we consider having a design professional on the ad hoc.”

Jim Smart: “Well Bob took out half of what I was going to say.......with the 5 Bridges project, but then you also have to remember that we're working on the sale of the 47 acres next to Albertsons and moving the Rite-Aid and doing all that stuff........so they're........”

Hanna: “That has a specific plan attached to it right now that has one sign.......we've approved”

Jim Stuart: “Right......and but in order to make that happen they might want something like that, because you might have something like that in that 47 acres........also the 5 Bridges, also the north of Lincoln does sell for $5 - $6 a foot more than the south side and if you come up with a C-M zone, Oscar's going to hate me for that one......it's all right Oscar, I'll still buy you lunch... no you can buy, this time........seriously, the south side, if we do the C-M zoning, and like this gentleman here, it gives him an opportunity, he might need signage also....because you will have commercial....commercial means tax......means money for the City....so those signs in one respect, but on the other side of the issue it helps pay the salaries around here and pave the streets and do things.”

Salas: “I think we have a consensus on this issue, why don’t we move forward.......OK next item.”
3. Dark Sky Ordinance

Orci: “Next item is the Dark Sky Ordinance........again just to give you a brief background...this whole dark sky ordinance really was started around the mid 80’s by Palomar Observatory....who started efforts in the Southern California area to seek the cooperation of the surrounding cities to limit light emissions ......light glow......according to the Palomar Observatory representatives they do and they are affected even though they’re one or two mountain ranges away ..... they are affected by the light glow ......in fact, in our recent discussions they were talking about cities such as Palm Springs affecting the Palomar Observatory......so they would encourage cities such as ours to look at limiting the light emissions from our projects........as background, again, many communities have worked on or are working on provisions to establish limitations on light......and in our case, we have issues such as hillside development, where we would perhaps want to consider limiting light emissions and also to maintain our rural atmosphere has been brought up before......that in order to facilitate this we don’t necessarily want to over-light these projects....Issues to consider are maintaining a safe community......in most cases, when we talk about dark sky ordinance, the primary issue that is raised is does that mean we are going to be walking around in the dark......what does that mean from a vehicle and pedestrian’s safety issue......what does that mean when I go to the ATM machine and draw cash...am I going to be safe with the dark sky ordinance.

Other issues involved is the rural atmosphere...what does rural mean........and I briefly touched on this matter and in typically more rural communities you don’t have as much light.....you establish light in critical areas, not necessarily through out the City........and another thing to consider is this is....by limiting the number of lights, you’re creating a more energy efficient city and there is eventually a cost savings to the individual property owner as well as to the City from the less use of light.....the proposed ordinance would propose to regulate all outdoor lighting as is indicated in the Code......it would require shielding or filters, if you will, based upon the different light, whether it’s a hay light or Mercury vapor or argon-neon light.....it would have certain exemptions that would include the existing non-conforming uses that we talked about earlier......government facilities, recreational facilities, fossil fuels, if you’re doing an energy facility, things like that....it would allow certain allowances for temporary events, grand opening events, one time special City events and that sort of thing.

Additional issues for you folks to consider tonight.....are in addition to the concentration or shielding characteristics...would you like me to bring back illumination intensity and what I mean by that is where we say there will be no light spill over beyond your property lines....zero lumens, zero illumination at the property line.......that’s one of the items for discussion....”

Voices.... “we all agree”

Orci: “Was that a yes.....OK, we’ll move on to the next one then.....and to be honest with you in the projects that we’ve been working on, that’s been a condition of approval....zero lumens at the property line.....also development standards, do we want to regulate the height and type of lighting fixture and luminaries that we use in the City.....we already have standards for the right-of-way.....do we want to impose those same restrictions on development.”

Voices..... “yes...I think so...”
Orci: “Good ....we'll move on to the next one.....the proposed code does not provide that.”

Escandel: “Oscar, one question, quickly.....can we impose those also within specific plans?”

Orci: “Yes, we can impose those....we can require that how we want it.....the other issue is time limits.....do we want folks in commercial and industrial properties to turn off their lights after 10:00....if the use is not critical .....or cut the lights down in half, if you will.”

Machlisic: “Oscar, we’re talking about changing zoning and we’re talking about some that are non-conforming .....is that I want to be sensitive to commercial lighting and some of it abuts directly against residential......and when we change to regular standard time, dark comes early....dark comes at 5:00...and businesses stay open till 8:00, 9:00, 10:00 and there’s going to be a conflict between residential and commercial...particularly in areas that we’ve subdivided or divided or reorganized and I’m sensitive to commercial being able to get enough light .....for instance for one for having customers come in and the second thing is for security of their particular building.....so however we write it...”

Orci: “Three ways to address that....through the shielding, through illumination standards, zero or .01 lumens at the property line and through the development standards....I think we could regulate any use compatibility issues.......to limit light from spilling over onto adjacent properties or even onto public right-of-way.....like we have with McDonalds....so there are ways that we can.....”

Machlisic: “I’m just interested in the protection of commerce.”

Orci: “Right.......well the other issue, I didn’t put that down here is zones.....lighting zones....in the last community I was in, we put together lighting zones.....so in commercial you could have a little bit brighter areas than you would in residential......but if you were in a commercial abutting a residential you would have certain provisions that you would have to abide by....so as not to affect the adjacent residential, but at the same time allowing you to operate your business......for example, the time limit was one of the issues that was used.....so in certain areas, you would have to shut down by 10:00 if you were adjacent to a residential, then we would work with you on special provisions........non-conforming, those existing businesses that are adjacent to residential would be allowed to maintain their current light illumination requirements.......that’s another way that we addressed that issue.....so if it’s OK and I understand.....there seems to be a lot of head nodding – yes........let me then go ahead and modify the ordinance to include these provisions.......it gets a little bit more cumbersome.....this is kind of a bare bones dark sky ordinance, but with all these provisions, I think we could wrap our hands around the dark sky ordinance.”

Botts: “I just have one comment, I think we need to be careful with timing and telling commercial and businesses when they can shut the lights off....I understand not letting spill over and that kind of thing, but no one has answered the question about safety......you asked, but nobody answered it....soon as you go dark, you promote crime.....you’ve got all kinds of businesses that need to protect outside equipment .....those kinds of things......so I just want us to be sensitive to that .....”
Orci: “Usually and hopefully we won’t have too much of these moats of parking around businesses, but usually you turn off the lights around the parking lot and around the buildings you keep safety lights on……by the way, we’re not going to be able to regulate ATM’s as those are set by Federal and State regs, so the illumination requirements for those facilities stay because of the critical safety issues……for the balance of things, we can turn them off every other light and have them build in mechanisms so that all the lights aren’t staying on all night long.”

Salas: “Is this the same ordinance that Beaumont has? Is this the same one?”

Orci: “I’m not……I didn’t review Beaumont’s ordinance.”

Salas: “Because from what I’ve been told on the Beaumont one, often times when you cast a light down its brighter than it normally would be because it’s not going up into the air……so that question you had about the businesses, it might actually be a little bit brighter than it normally would be without it.”

Hawkins: “Oscar, in June of 1988, I think, Riverside County adopted the ordinance, I think 655, which controlled or regulated light pollution…….is that clear enough to cover everything that we’re trying to do?”

Orci: “There are newer provisions in place and newer technologies and newer lighting ….so we’re trying to use some of the more recent examples and trying to talk to the folks that manufacture these lighting standards so we can prepare an even better ordinance that existed years ago……and I’ve had the pleasure a couple of years ago of speaking to a gentleman that represents an exterior lighting organization and he and I have talked about these and other issues and we’re hoping that we can put something together that’s state of the art, that’s new, that hasn’t been done before, if you will……”

Salas: “But do take a look at what they’ve done next door, that way we don’t have to reinvent the wheel.”

Orci: “I will take a look at that……and by the way, some of the provisions that you see next door, we’ve already adopted in some of these specific plans that were mentioned……..Black Bench, for example……you don’t have a signal every X number of feet, you have it at critical intersections and the end of cul-de-sacs……so when folks are driving, they can see each other and they don’t run into a house at the end of a cul-de-sac ….so we’re doing some of those thing now.”

Dickson: “Oscar, aren’t we seeing that most of the areas that have adopted this …..they actually have more efficient lighting in the area of concern……what we’re looking at is the spillage ……..there’s so much……it seems like, reading everything that the areas where these are controlled, the lighting is actually better than in a lot of the other areas…….you’re getting better coverage because it’s not spilling out so much.”

Orci: “Right, there are different policies…….height, orientation, luminaries information……over all at night you may not need as much light and that’s what this will do.”

Salas: “I’m being signaled to move forward…….so do we have a consensus here?”
Orci: “Yes.”

Salas: “OK, one last comment.”

DeSantis: “My comment is why are government agencies not required to follow this law or the ordinance.”

Orci: “It’s not a law . . . .I spoke with Palomar at great length and they’re saying they’re trying to get voluntary cooperation . . . .I’m going to give our final ordinance, a draft version to them, to have them comment before we bring this to you . . . .so that they can bless this, but it’s not a mandatory issue.”

DeSantis: “Is this from the City of La Quinta?”

Orci: “No . . . no.”

4. Massage Ordinance

Orci: “Next item is Massage Ordinance . . . .I’ve handed out a cheat sheet, if you will . . . .that compares our existing and proposed ordinance . . . .just to briefly give you some background, this item was brought to the decision makers during the Zoning Code discussions . . . .after the GPAC process . . . .the City Attorney had indicated to staff that the ordinance that we had in place was dated and that we need to include a more aggressive, more stricter ordinance . . . .the ordinance was presented to the decision makers and staff was directed to prepare a less strict ordinance . . . .staff met with the . . . .at the request of the decision makers . . . .we met with the stake holders to solicit their input, however, none was offered . . . .we now are bringing this matter back to the decision makers to get a little bit more of a flavor of where we want to go with the ordinance . . . .what we want to regulate and what we don’t want to regulate . . . .some of the more salient issues in the current ordinance versus the proposed ordinance involve such things as educational requirements . . . .in our current code requirements, we require 200 hours of education . . . .the proposed ordinance suggests that that be increased to 500 hours . . . .our noticing requirements versus our proposed . . . .in our current requirements, all we ask is that businesses establish or erect, if you will, all their licenses and permit information in a conspicuous place where folks can see them . . . .the proposed ordinance would include those provisions as well as additional signing needs indicating additional provisions or restrictions of the massage operation . . . .the current ordinance has no content regarding the operational description . . . .how you have to make certain that there is sanitation, towels provided in the room, it goes into very detailed oriented operational characteristics in the proposed ordinance that our current ordinance does not include . . . .also facilities description . . . .how and . . . a floor plan . . . .how it needs to be designed . . . .what items you need to put in your floor plan and etc . . . .our current code is silent on that . . . .the proposed is very detail oriented when it comes to facilities and operational descriptions . . . .in this cheat sheet, I’ll just briefly run down some of the other salient issues . . . .both ordinances have certain exemptions . . . .the existing ordinance seems to exempt trainers, fitness trainers and certain other folks that could be allowed to give massages . . . .or proposed ordinance would not exempt trainers . . . .licensing would be done in the proposed ordinance by the City Manager . . . .the existing Code allows the Planning Director to issue the licenses . . . .the application process is significantly more involved in the proposed
process than it is in the existing ordinance......the existing ordinance requires fingerprints and background check, a history, proof of age, employment history, convictions, etc....description of the person......the proposed ordinance includes those requirements, in addition it requires a floor plan and what I mentioned today, the physical description, the hours of operation, education, certificates, photos...both existing and proposed have a fee requirement......in terms of the denial......both existing and proposed essentially have the same provisions...if you provide misstatements, if you are ....if the zoning code doesn’t allow it, if there are certain convictions on your record or the background check reveals something, then you...that would be cause for denial......I’m going to jump around......in the existing ordinance, if you are denied, you can appeal the matter to the City Council......in the proposed ordinance, that would require an arbitration hearing.....by a hearing officer......again, another big criteria, a difference is the criteria in the existing and proposed......in the existing criteria, again, 200 hours of instruction and practice or combination thereof......you would still need to have a certificate......a certified exam, indicating that you are certified to run or be a massage therapist.........and you obviously have to have existing, every in the business has to have a license......again, in the criteria proposed, more detail, more explanation of what you can and can’t do and it goes into rather graphic detail of what you can and can’t do for massage.........it does require 500 hours, it still requires certified exam certificate, proof of that......the proposed ordinance would prohibit minors, unless accompanied by adults.......or current code is silent on that....both existing and proposed ordinances are one year increments......they would have to be review on an annual basis...both proposed and existing require health certificates, examination by doctors for the massage therapist to determine whether or not they have a communicable disease or not......in the revocation, the Planning Director would be, in the existing ordinance, the person that could revoke that......in the proposed ordinance, it’s the City Manager......we already talked about the appeal and the display......so that’s really a brief synopsis of what the current versus the proposed ordinances involve.”

Salas: “Great...thank you....any questions.”

Hanna: “I wonder if we could do this a little differently to help frame our discussion, if we could hear from the professionals in the audience first and then go around.....”

Salas: “Are there any comments from the public........oh, sorry.”

Trish Klimkiewicz: “I am a massage therapist....I’ve been doing this for 21 years....if I had an opportunity to give advice, I would say Yes, absolutely demand 500 hours of education....because if I were to receive a massage, I want it to be a good one........500 hours gives a variety of techniques so that when somebody goes to give you a massage they can have the opportunity of telling you which is the best, most productive technique to use........or mix of techniques to use to get you the relief or requirements that you would be paying for........when I read through this I get very angry......I have to catch myself on that......my first question would be to have you think about, does the butcher at the local grocery store have to have a note from his doctor saying he does not have a communicable disease.......and how many people have died from salmonella from food touched by people.......also the other statement of a communicable disease, I would ask Ms. DeSantis, the nurse, how many hundreds of those there are.......that if I walked into a doctors office and say, would you please write me a note that says I don’t have any, you would say how would I know that? .....My point of course is and I’m also a retired nurse.....treat us like educated professionals.......if
somebody calls and complains that I’m offering sexual favors, come and investigate me......but do not make me go through this nonsense to do what I love to do and what my clients enjoy paying me for......to read about how a building has to be built to allow massage.....sure a sink in every room, even a shower, I wouldn’t mind having to have that if I were going to have my own establishment.......the other thing would be handicap aware....which almost all buildings being built have to do because of all the regulations out there....those kind of things we go along with......but the ...again, it’s just this action of being treated as if I’m walking into a place to be watched over.....my other remark would be aimed at this gentleman behind me in a uniform (Sgt. Mike West, Banning P.D.), how much time does he have to walk into a building and say let me look at your records and see how many times you’ve kept track of what you’ve done over this year.......I would expect him to walk in if somebody called up and said that I need investigation.....but other than that, he’s out trying to pick up rapists and robbers.....he’s not coming around to read my papers, to see if I made notes......so if they don’t have time to take care of the bad things and we understand that....there’s too many people in the world and not enough Police people in the world......the other side of it is, why put constraints on normal businesses.......another thought process would be how many situations have occurred in Banning in the last five years, how many have occurred in the last one year.......OK, I’m going to stop, except, I worked in the City of Walnut Creek, CA......I went in and I said I want to get a job at a facility that offers massage.....so I went in to get my business permit and they gave me the form and I filled it out....and I said where do I go for my fingerprints and my photographs and they said, What?? And the gal kind of gave me this blank stare and said this is all you need to do as a business permit.......then I went to the Sheriff’s Department because I don’t trust everything I hear and walked in and the Sheriff’s Department said, we don’t demand anything from you, except if somebody calls and complains, we will come and get you.......and that’s all I needed to have a permit in the City of Walnut Creek, CA......I would just ask .....let’s put together an ad hoc committee .....from each of the Commissions here and the Council and I’ll get some massage therapists and I’ll get some policemen and we’ll do a program over 30 days and show that this does not need to be this dramatic....thank you.”

Sgt. Mike West, representing the Banning Police Dept: “I really wasn’t prepared to comment on massage therapists, I came to talk about our RV parking ordinance......but I believe the ordinance as it is written, as I reviewed it, is not intended in any way to prevent legitimate massage therapists..............(tape change) who do engage in that type of business and we have had incidents here in Banning......the last investigation was about three years ago .......as you are aware we can’t just walk in to a business and start pulling records....because of our current ordinance ......it takes an under-cover investigation, warrants, it’s very extended and time consuming......what some of the provisions of this ordinance would allow to do and whether it’s the Police Department or the Fire Department or Code Enforcement Officers, I believe all of those positions were allowed in the ordinance.....to review the records....which government agency does the reviewing......there are provisions for that review without having to overcome some of the hurdles that we would have to overcome in the full process ....and as I mentioned, the under-cover investigation that normally has to take place and that sort of thing and bringing in people from outside agencies, because our faces are well known in the community....so that is a very time consuming process ....whether the ordinance is considered in its entirety or certain segments are looked at more critically, I would encourage us to improve our previous ordinance and give us something that allows us to have a little more enforcement action......one of the problems that we
encounter to put a criminal case together, we have to overcome a burden of proof that is beyond reasonable doubt.........many times with these types of businesses, as with crimes against society, we don’t have the cooperation of the victim.........we have a word from someone on the street or complaint from a neighbor or complaint from another business........saying that we know this is taking place there and it’s our job to put the pieces together and overcome this burden of proof and it’s very difficult.......however, requiring a conditional use permit, it’s much easier........we can go handle it administratively, revoke a license, if we determine that that type of activity is taking place ......in violation of law or in violation of the conditions.........I would second though, the idea of creating a committee to further determine what civic aspects of the ordinance are critical to our purposes and again to review whether or not we’re over-stepping what’s needed.”

Botts: “I would support what Mrs. Klimkiewicz has said about an ad hoc committee and Officer West? I’m sorry, Sgt. West, has agreed to that.......I would like to see us move forward with that....a couple members from the Council.......”

Salas: “Looks like you have an agreement for that.......”

Sgt. West: “I would volunteer for that as well and I would gather some statistics together and some information on previous cases.”

Dickson: “You know, Trish, I know exactly where you are coming from and it’s really unfortunate sometimes, especially in the medical field or anything to do with medicine where because of unscrupulous people, that the people that are running legitimate businesses do suffer for it ......but I hope that with the advent of an ad hoc committee and certainly Sgt. West being on there, I think some of the things can be refined a little bit where it doesn’t really impact somebody that does have a legitimate business.”

DeSantis: “You know, I think this ordinance is really, I hate to use this word because it’s appalling.......because it’s putting the emphasis on the fact that all therapists ... massage therapists are not to be trusted.......and when it went into all of the things that are required......the sinks and the towels and the showers and all that stuff.......why is that not required from a nail salon.......where people get fungus.......why is that not required of a hair salon.......of dentist offices.......you think of all the health professionals, including massage therapists, who should be using these types of conditions, but yet we’re pulling out the massage therapists to make this so particular and so meticulous.......I just think it’s putting the emphasis on that they’re all bad instead of this is a minority that are bad.......and also the notice that you’ve got on page 39, I think that’s very unnecessary and demeaning.......and I know Barbara wants to talk about this to.......but it just puts a great sense of distrust and that’s what I don’t like.......and there are so many areas, so many professions that need State and Health and Safety requirements.......not just these people.”

Hanna: “I just wanted.......a neighbor.......a young woman called me and she was in tears because she’d started the process of getting a business license in Banning as a masseuse and it was incredibly degrading.......you have to be tested for communicable diseases, for AIDS.......if I’m not a prostitute, why do I have to have these tests.......she once wanted to work, in fact she is going to be working in a beauty salon.......and the owners of the salon have to be fingerprinted because she wants to provide massage.......I mean it’s really a bazaar orientation and I encourage the ad hoc and I’d be willing to sit on that if desired.......and I disagree with you, Oscar, that there was no
response......what you were given at the time and I’ve given you several times since then, is this model ordinance regulating massage therapists......rather than picking apart the one that proposed, which is just a horrible, dismal ordinance......they offered a totally, different alternative and that was not considered at all.”

Salas: “I would just encourage that when you move forward with the ad hoc that you have the equivalent City officials to the businesses owners......because in the past we’ve met and unfortunately there were too many City officials and it made the other group intimidated in some way......not that our officers would do that......but I would just ask that we have the same amount on each side.”

Orli: “The thought is on all these discussions tonight is to put them in a report to you, maybe on Consent, with or not on Consent, on Officers Report, and identify the different ad hoc committees and have you appoint folks to those committees and we’ll bring that back at the next available Council meeting.”

Salas: “Great, thank you......I think we’re ready to move on...this is our last issue.”

5. Land Use in the Commercial Districts

Orli: “Yes, last item......thank you......land use restrictions......this item was brought to my attention by the Commission and the Council......actually this is second to the last......sorry about that......and this is in regards to the quality of life issues......there was some discussion at the Planning Commission and I believe it took place at the Redevelopment meeting, regarding certain uses that perhaps should not be allowed in the various different zoning districts of our City......I think the example that was used first was the drive-through facilities......obviously, it’s a quality of life issue and it’s an aesthetic issue for some of these uses, what do we want to see ......drive-thrus......not drive-thrus......things like that......and again it comes back to the vision that we wanted to establish for the City ......so with that again the options are to modify the Code accordingly based upon the input that I’ve received thus far, it appears that the more salient issue is the drive-thru facilities......if you look at the staff report, written page 10, I believe written page 9, page 8.....starts out at the bottom of written page 6, what staff has done is talked about this with Jae...... because Jae had some concerns about certain uses in our Downtown area......she called it there’s issues with the inner core of the Downtown and the outer core of the Downtown and what would be appropriate......so one of the things we’ve done is we’ve underlined or put in bold some uses and mostly they’re zoning areas and where they’re allowed......let me give you an example, written page 7, we have as an example, community centers in the Downtown......should we take a look at that......is that appropriate for the Downtown, especially the inner core......to have a community center there......we have the City Hall......we have other government facilities near the Downtown area or within the Downtown area......convention facilities......perhaps in the outer core, but do we want to allow those in the inner core......and again these are the uses that Jae has identified and would like me to bring up here with you, in addition to the drive-thru facilities......so we have the day care, we have health and fitness facilities, we have indoor rec centers......she thought perhaps those would be great, but limited in size......we have outdoor commercial, recreational centers, she thought that would a great thing to have especially if it’s in a limited outdoor space......but perhaps, we may want to put a limitation on size......in our Downtown area......most of these of course are centered in
the Downtown area with the exception of the drive-thru facilities.......and we have sports facilities and outdoor public assembly, again, do we want to reconsider that ....perhaps limiting them in our Downtown.......on written page 8, we have outdoor retail merchandize and display activities.......obviously there’s a desire in the community that I’ve heard about having certain art displays and what not outside people’s businesses.......but maybe, again, reconsider this to not necessarily allow a permanent outdoor establishment that sells sales items and that sort of thing.......perhaps limit it to the type of outdoor merchandize.......then we have restaurants, drive-ins, take out, fast-food.......that’s an item that was highlighted across the board in the commercial and industrial zones.......please keep in mind that we have the traditional fast-food, some of the national brands, but we also have things like .....banks that are drive-thrus.....we have now the Starbucks coffee houses that are drive-thrus......we have now other businesses that are not necessarily fast-food, like the one that staff is currently reviewing, a Taco Bell which is Fisherman’s Grill, the Chamber.......so we have a variety of drive-thrus........I think what direction I received was can we regulate restaurant drive-thrus that sell fast-food.......well, if that’s the case, I need to work on a definition and again, more footnotes.......because you have things like Fisherman’s Grill who have a chain of restaurants in the desert and I believe none of them in the desert have drive-thru facilities........it’s kind of a quasi-sit down restaurant.......they would like to come here, they would like to locate at that site, they have a drive-thru.......they want to experiment and put in a drive-thru.......they would still have the rest of the business operate the same way.......that’s not your typical fast-food restaurant.......at least not in the desert......I don’t know if they’re going to change their operations here.......is that what the Council and the Commission.........”

Hanna: “But that’s along 22nd Street.....not Downtown.”

Orci: “So again, as I understood it there was an issue across the board on Ramsey Street with drive-thrus......so there are the items that you may want to consider...same thing with shopping centers greater than 15,000 square feet or more.....Jae’s idea was, well do we want to establish the individual boutique stores and not necessarily promote these larger shopping centers or if the shopping centers were designed in such a way so that they look like they are individual boutique type stores, would that be more appropriate.........again something for your consideration.......you’ve got obviously, dry cleaning, when you have mixed-use projects where you have your loft upstairs, it would be nice to have a dry cleaning facility and other service oriented retail stores.......again, something to think about.......it may not be appropriate in that inner core of the Downtown, but it’s something again that you may want to consider.......hotels and motels.....I think she wanted to again, limit the number and the quantity of hotels in the Downtown.......coin operated laundry mats.......I think most of us to concur with that thought and perhaps not necessarily encourage them in the Downtown area.......professional offices.......her issue was if they’re on the first floor, we may want to move them up or back .......not necessarily encourage them right along the street where we want to have retail establishments and entertainment establishments.......so that was the thought behind that.......sorry for going so fast through this.....”

Hanna: “What do you expect us to do with this?”

Orci: “Provide input as far as the things I’ve been talking about.......if we should talk about each and every one.......the issue for me was I heard one item and one item only and that was drive-thrus.......that’s all I’ve heard.......what I’m saying is if there are other uses here that you may want
to consider, you may want to write some notes and come back to us......or you can give me direction on drive-thrus and drive-thrus only.......and then we’ll take appropriate action based upon that direction.”

Franklin: “Can I make a suggestion that we ask staff to give us the recommendations of the changes that you think would be appropriate, given our vision for the City and break it down of what should be the core downtown versus the outlying area.”

Orci: “So do we agree with that......that issue....( voices – yes, yes.....sure) Yes, well that’s the thing........I wasn’t sure why were talking about this...the only thing I was made aware by other staff members was the need to control drive-thrus......and while we’re talking about drive-thrus, do we want to look at other uses and it sounds like the Commission and the Council is sitting here tired and we want to take a look at other issues specific to Downtown only, correct........except for the drive-thrus...we want to......all along Ramsey.”

DeSantis: “I’m on the Downtown Committee and I’m also on the Planning Commission where we’ve talked about this .....in the Downtown Committee we spent a lot of time talking about the fact that we need to put a specific overlay on the Downtown area and I think maybe that’s what needs to be done first and then come to the group and say, do you approve the specific overlay will have boutiques or restaurants or art galleries or shops and that probably will be the better way to do the Downtown area......because there is a Downtown Committee who is working with Jae and April to try to specifically say, what is the vision for that area.......and as far as the fast-food drive-thrus, that really doesn’t eliminate all drive-thrus and we did talk about that at the Planning Commission.....but Ramsey Street is our prime commercial property.....we want to really look at office buildings, we want to look at good retail, we want to look at good restaurants.......and we have now fast-food from 22nd all the way to a little beyond 8th ....so if we could concentrate on putting the fast-food drive-thrus, I’m not talking about bank drive-thrus or any of those others, but the fast-food drive-thrus in that area, and leave the property along Ramsey from Highland Springs to just east of Sunset for the commercial, the really good commercial vision that we have for the City.”

Orci: “Is that a concurrence?”

Salas: “And the restaurants......and I brought that up previously at a Council meeting and the thought was, yes, from Highland Springs to Sunset roughly, hopefully that could be our restaurant area, but as we move forward and land starts to be taken up, I’m worried that fast-food will begin to take it’s form in there and that’s our opportunity to extend what they’ve done with Applebee’s and bring in the restaurants into Banning........Public comment.”

Jim Stuart: “ I concur with both of the ladies here....since I’m the one who brought the Applebee’s into the Pass area.....I think if you took Highland Springs to Sunset and made that office / commercial, professional / commercial, hotels and restaurants......and no fast-food.....I agree with you as a commercial agent......the fast-food should be between 22nd and 8th because that’s where they are, that’s where the signs are, that’s where the proliferation is........and the other thing that’s where the lots are that of those sizes....because we’re having a very hard time getting two and three lots put together to do anything bigger........like a sit-down restaurant takes up two and half times the space of a drive-thru restaurant......you know with parking requirements and everything......so with the
Downtown, what I would like to make everybody aware of is right now you have an opportunity, if you have this vision for this walking Downtown and like we’re saying, moving the professional upstairs or into the back and having everything out front...you want a fun downtown...there’s some properties right now for sale, vacant lots...that I think the Redevelopment Agency should really look into and start stock piling those...so that you can have parking...and I think if you put parking around the downtown...you have your perimeter of your downtown and put some parking on the outside, it forces people to walk...or maybe even have a little trolley to help the handicapped and such...you will help build your downtown...you’ll eliminate the parking problems before they happen and right now there’s four vacant lots in the downtown area that are for sale that I would love to just sell and put a business there, but then again we’re going to have parking problems...."

Hanna: “Any day now we’re going to have a parking study come to us.....we’ve been told this for the last year and a half....so it’s coming.”

Orci: “I’ll fall on the sword for that one.....I didn’t like the parking standards and I want to bring something revolutionary and imaginative and different....”

Jim Stuart: “Well, there you go, revolutionary would be.....”

Orci: “You may not like it but I want to have that changed, that done.”

Jim Stuart: “Put the parking along Hays and the back streets or up against the freeway where there’s some vacant lots for sale right now.....there’s a big old gas station for sale at 4th, I think and Ramsey...the back side, along the freeway......get those set up for parking and then start pushing everything in so that you can have this fun walking downtown and everything right there......Free parking......very important.......free parking.......because the minute you put in paid parking, your neighboring city is going to say, free parking.......that’s what’s happening between as you know, right now, in the desert with Palm Springs and Palm Desert....”

Hanna: “There’s no such thing as free parking.....somebody’s paying for it.”

Dickson: “You know, we just went to a conference, the planners did, and one of the issues they covered was parking....and I think what we ought to do is get a hold of the program they put together in Pasadena and really look at what they did and how they have been able to develop a several block area just by going through and doing something with their parking element......I mean it’s millions of dollars a year and it’s really amazing......so I really think that we should get a hold of that and bring it in and show the City exactly what it can do.”

DeSantis: “If I can add to that......one of the things......there was a very, very interesting speaker...and actually in certain areas of the city you pay for parking......certain streets......you pay for parking......especially the ones that probably have the most important stores......then you go off street for the free parking......with the money that many of these cities... and he’s studied many......with the money they make from these parking fees, they pay for improvements on all the streets around that commercial area........so he proved to us that free parking isn’t really free parking.”

Joint Meeting – CC & PC
- May 2, 2007

51
Dickson: "I think another interesting point of that is the statistics they talked about was that 60 to 85% of the people driving around in your downtown area are doing one thing.......they're looking for a parking space."

Salas: "Do we have a consensus here....as far as fast-food......."

Orci: "So what we're going to do is come back with additional analysis...we're going to wait for the committee to finish with their vision and include that analysis as well as some of the discussion we had on the drive-thrus right now."

Salas: "So we're not going to wait for the drive-thru deal are we......how long will that take...cause I'm worried.......things are coming in now....."

Orci: "They are."

Salas: "How fast can we move on that one?"

Orci: "If it's OK, we can put limitations on the drive-thrus and take that provision out of the Code."

Botts: "May I make one comment..........you're going to do that by geographical area, not talking about a moratorium on fast-food....."

Orci: "No.....we would limit it.......if I understood correctly....the west end of the town, we want to limit that......and that would be zoned General Commercial.......I don't believe anybody in the Downtown Commercial wants to see drive-thrus.....so that's an easy one.....really we're talking about the Highway Serving Commercial, that that be essentially the area where we would allow the drive-thru and the fast-food type of businesses....it's an easy fix and we can bring that back to you."

DeSantis: "I want to say one thing........if there are indeed some projects that are coming, we'd like to get this done as soon as possible."

Orci: "We have the Fisherman's Grill coming in.......that's outside of the Highway Serving Commercial, so it'll be an issue."

Hanna: "They're in the fast-food area, though."

Jim Stuart: "Just one quickie.......I mean you talk about the west end.......what about the east end...I have a proposal coming in maybe for a drive-thru over on Hargrave and Ramsey.......a big three acre parcel that we talked about.......and that Tesco?"

Hanna and DeSantis: "Tesco's fine."

Orci: "It's a grocery store, isn't it?"

Hanna: "It's a convenience store."
Jim Stuart: “Well, it’s a convenience store……..but we have a three and a half acre parcel behind the UltraMar station …..and we’re looking to fill in …..he’ll buy that junkie old apartment building next door, tear it down and we want to put a dual….I think it’s a Subway and it’s a drive-thru with a walk up…..one of those new…..like you see Kentucky Chicken and A & W together…..on the property and the Tesco in the rear…...but you’re talking about the west end and you’re talking about the downtown…….what about the east end.”

DeSantis: “I don’t think we’re talking about the east end….I think the downtown area that we’re specifically talking about starts about 8th Street and goes to Alessandro……..so that would be further east of that….so that would not be included in the downtown core that we’re talking about.”

Jim Stuart: “But …..in order to do that ….I mean what….I would like to make sure that we’re staying within your ordinance to do that……”

Orci: “Downtown goes almost all the way to Hargrave.”

DeSantis: “No……not the area we’re looking at.”

Orci: “I believe the hotel…..”

DeSantis: “The hotel is not part of the downtown concentration……….it’s a separate….we’ve talked about it…….but we’re concentrating mainly from 8th to Alessandro.”

Orci: “OK”

Botts: “Absent the fact that the City has no vision or plans on specific areas, saying what do we want and asking developers and realtors to go out and find what we need……there’s a group right now talking about a restaurant row on the east side of Banning and these are development and restaurant people……..and I just put that out on the table for whatever it’s worth….there’s been a lot of discussion about Joshua Palmer and Ramsey and hotel, motel, restaurant row…..but there is some activity on the east side….east of Hargrave……potential activity.”

6. Design Review

Orci: “As you know, we’ve been crafting provisions that will eventually lead us to the development of a design review board……..we are requesting direction whether or not that the decision makers would like to establish the board as requested, including professionals and membership of seven……”

Salas: “All in favor say, aye…….”

All Ayes

Botts: “Good, we adjourn.”

Salas: “Any public comment”
Orci: “And it would just be within city residents, it will extend to professionals.”

DeSantis: “Wait a minute......I’ve been talking about this for over a year and a half now......so it’s very nice that we’ve finally got it......first of all, you know you mentioned I believe three or four landscape architects, or whatever it was, I don’t have the number right here, but my thing is don’t forget people that know land use, such as builders......Mr. Hawkins is a builder....every time we have a discussion about sizes, he’s sitting here with his pen and he’s figuring out the actual footage and what can go in there......that’s the kind of person we need also......so we can’t forget those.”

Orci: “The thought is to get architects, folks that are in the construction business, landscape architects, professionals from within the community and if we need to go outside the community.”

DeSantis: “Right......and you have seven members, but you’re saying three members is a quorum.....did you want four members as the quorum or keep it as .....”

Orci: “Should be four members”

DeSantis: “OK well it says three members.”

Orci: “The majority, right......the issue is ....we don’t want to establish necessarily a smaller board, because these are professionals and they may be busy.”

DeSantis: “So on page 64, #B, it should say, it will be defined as four members.......and also I want to make sure that ....and it does say it in here.......but this......I’ve said before, design review is not a public hearing issue because it’s all set in stone and then later on we find out that maybe you or somebody else was dissatisfied with some of it and it never came out in public......OK......so I want to make sure that this is going to be a working meeting and maybe multiple working meetings with the developer so that before he really puts a lot of money into his plans or whatever, he has a well set idea of exactly what the City is going to recommend from him......OK”

Salas: “Public comment”

Jim Stuart: “This meeting’s over, I wanted to take advantage of having a couple of minutes with all ten of you......with an idea......possibly ....since I’m dealing in commercial real estate and both cities and the county......Cabazon, Cherry Valley......you know, down in Coachella Valley we have the CVAG......we have SANBAG in San Bernardino......it might be something for the Council and the Planning Commission to think about for the future is maybe set up some sort of quarterly meeting between a member of the City Council or two members of the Council and the Planning Commission with Beaumont, with Cabazon ......because I’m seeing things, working with the two cities that are driving me crazy......and I’m saying, why aren’t you guys talking to each other......like a freeway off ramp......I mean, I think I gave a few of you and Randy an idea for the area you are talking about and I went over to Beaumont and they said, gee, that’s not bad......nobody showed us that ......just something maybe to start the communication meeting......maybe every quarter with a member of the Planning Commission and a member of the City Council and your cohorts over in Beaumont......somebody in Cabazon, maybe the Tribe....”
Hanna: “We agree”

Jim Stuart: “OK”

Laughter

Orci: “We’re meeting with Beaumont next week to talk about those design interchanges.”

Jim Stuart: “Huh…cause some of these things are driving me crazy…they make a drive-way over here and your drive-way’s here…..they need to go straight.”

DeSantis: “I’m sorry, I still need to make one more comment……..Oscar, we still don’t have the numbers of the Housing Element……you know what the City……I know that they’re………”

Orci: “I’ve got the memo there……..my apologies……I’ve been wrapped up in all these things…..it’s almost done.”

DeSantis: “OK, because the numbers have to be in pretty……are in now for the RHNA, you know the Regional Housing Needs Assessment……..and I think it would be a good idea if we had somebody come and talk to both groups about the RHNA and how it is determined and also what our requirements are going to be……maybe somebody from WRCOG…”

Orci: “I will call SCAG tomorrow morning and see if somebody is available.”

DeSantis: “Good….thanks.”
Salas: “Meeting adjourned.”

Orci: “Thank you all.”

IV. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Gini Sorenson
Recording Secretary
DATE:       JUNE 19, 2007

CASE NO'S:   TENTATIVE TRACT MAP 35363, LOT SPLIT #07-4501

REQUESTS:   MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, FOR TENTATIVE TRACT MAP 35363 TO SUBDIVIDE A 7.083-ACRE VACANT SITE, INTO 23 LOTS RANGING IN SIZE FROM 7,120 TO 10,885 IN LOW DENSITY RESIDENTIAL.

LOCATION:   THE WEST SIDE OF HATHAWAY STREET, SOUTH OF HOFFER STREET. APN # 534-283-011 & 534-283-014

APPLICANT:  TMS HOMES LLC

SURROUNDING USES/ZONES:  NORTH- SINGLE FAMILY RESIDENTIAL/ LOW DENSITY RESIDENTIAL AND INDUSTRIAL - MINERAL RESOURCES  
EAST- EXISTING QUARRY PROPERTY/ INDUSTRIAL-MINERAL RESOURCES  
WEST- VACANT/LOW DENSITY RESIDENTIAL SOUTH- MULTIPLE FAMILY APARTMENTS/ HIGH DENSITY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE BANNING COMMUNITY DEVELOPMENT DEPARTMENT HAS COMPLETED AN ENVIRONMENTAL ASSESSMENT FOR THE REFERENCED CASE. BASED ON THIS ASSESSMENT, THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT, WHILE THE PROPOSED PROJECT COULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, THE POTENTIAL FOR SUCH IMPACTS CAN BE MITIGATED TO LESS THAN A SIGNIFICANT LEVEL THROUGH MEASURES INCORPORATED INTO THE PROJECT APPROVAL. ACCORDINGLY, A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED AND IS RECOMMENDED FOR ADOPTION.
BACKGROUND:

Project Location:

The project is located on the west side of Hathaway Street, south of Hoffer Street, and north of Wilson Street. The site is located south of the hillsides of the San Bernardino Mountains, and several miles north of the San Jacinto Mountains. The property is approximately 7.083 acres in size and access is from Hoffer Street and Hathaway Street.

Project Background/Description:

The site is flat and gently slopes downward in the shape of an “L” from the northwest to the southeast, with elevations in excess of 2,360 feet above sea level in the northwest corner of the site, and elevations in excess of 2,320 feet above sea level at the southeast corner of the site. To the north is a mining facility, to the west are existing single family residences on 8,000 sq ft to 8,721 sq ft. lots, to the east is Morongo Tribal land, and to the south is an existing 2 story apartment complex. The project site is currently vacant and no building activity has ever taken place. A Tentative Tract Map is required to subdivide a 7.083-acre vacant site, into 23 single-family lots. The lots will range in size from 7,120 to 10,885, all fronting on Evans Street or “A” Street.

The General Plan provides for Hathaway Street to be widened to the ultimate width of 110 feet. Hathaway currently exists at 30 feet, therefore the applicant is dedicating 80 feet for future right of way. The General Plan provides for Wilson Street to be widened to the ultimate width of 55 feet; therefore, the applicant is dedicating 55 feet for future right of way. The dedicated area will be landscaped to the City of Banning standards and will be maintained through a Home Owners Association. An extension of Evans Street and “A” Street will provide access to the development from both Hoffer Street and Hathaway Street. Curb, gutter and sidewalk will be placed on Hoffer Street, Hathaway Street and the new streets. Sewer and water mains will be extended to the interior streets.

Findings:

Findings can be made to approve the Tentative Tract map and Environmental Assessment and are included in the Resolutions of Approval (attached).

Public Notice

This proposal was advertised in the Press Enterprise newspaper on June 8, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

ANALYSIS:

The proposed design and operation is consistent with the goals and objectives of the General Plan, Zoning Code, and Subdivision Ordinance. Based on these provisions, the following analysis of the project is provided:
The General Plan (and Zoning) designation for this site is Low Density Residential, which allows the development of single family homes at a density of 0 to 5 dwelling units per acre. As indicated above, Hathaway and Wilson Streets will need to be widened to comply with the General Plan.

This map is consistent with the land use designation in that the parcels will be eventually developed with single family homes. Although the home designs are not provided at this time, staff has placed a condition of approval that will require the applicant to abide by the City's residential development standards. In addition, the Map will divide the 7.083-acre lot into 23 lots for an overall density of 3 units per acre. The project is conditioned to dedicate 80’ along Hathaway Street and 55’ along Wilson Street in compliance with the General Plan.

The subdivision is consistent with the 7,000 square foot minimum lot size required by the Zoning Code for parcels in the Low Density Residential zone. The lots will range in size from 7,120 to 10,885 square feet in size, which meets or exceeds the code requirements. The lots comply with the Zoning Code and all development standards in terms of lot width (70 feet) and depth (90 feet).

The design and improvements of the proposed subdivision will be consistent with the City of Banning Subdivision Ordinance in terms of lot and street designs. Access to the site will be provided from existing streets (Hoffer and Hathaway Streets) along with creating two public streets Evans Street and “A” Street in the immediate area. All required public easements will provide access to the site or support necessary infrastructure improvements for the proposed project.

In terms of environmental impacts, staff has made the following determinations:

1. The potential noise impacts in the area were studied in the General Plan EIR. Noise levels on Hoffer Street are expected to be lower, since its traffic generation is expected to be less. It is expected that the truck traffic on Hathaway will continue, because of the continued operation of the quarry to the north. As a result, noise levels in the area will be somewhat elevated, particularly for residential land uses, which are sensitive receptors as defined in the General Plan. However, the proposed project includes the construction of a 6 foot high block wall along the perimeter of the property. The wall will provide noise attenuation of approximately 6 dBA for all residences, and particularly for lots 2 and 24, which will be closest to Hathaway. This level of noise attenuation will reduce potential impacts to less than significant levels, and assure that noise levels on the project site will not exceed City standards. Therefore, long term noise levels generated by development of the site are expected to the less than significant.

2. The proposed project is consistent with the General Plan designation assigned to the site, and therefore was considered in the General Plan EIR traffic impact analysis. In that document, traffic in this area of the City is expected to total less than 5,000 average daily trips at build out of the General Plan. Impacts associated
with traffic loads are therefore expected to be less than significant and no traffic study is required.

3. A preliminary hydrology study was prepared for the proposed project, no storm water facilities currently occur on the project site. The hydrology study determined that the natural drainage course is to the southeast towards Hathaway Street. The proposed project includes the conveyance of storm flows from the site to the existing municipal storm drain system via curb drains, part of the City’s storm drain system. The City requires that on-site flows be cleaned, through the preparation of a Storm Water Pollution Prevention Plan (SWPPP), to assure that storm flows are not contaminated. The City Engineer will require that the hydrology for the site be approved prior to development occurring on the site, to assure that the system proposed will safely convey flows. These City requirements will assure that the impacts associated with storm flows on the site are reduced to less than significant levels.

4. To minimize lighting glare, a Condition of Approval has been included that will require the applicant to shield the lights in the street.

5. The project is conditioned to provide a six-foot decorative block wall and landscaping to minimize the impact generated by the development as well as enhance the property and the surrounding neighborhood.

**RECOMMENDATION:**

That the Planning Commission:

1. Recommend Approval to the City Council for Resolution No. 2007-23, approving, a Mitigated Negative Declaration and Mitigated Monitoring Program based on the findings and conditions of approval.

2. Recommend Approval to the City Council for Resolution No. 2007-24, approving, Tentative Tract Map 35363 and Lot Split #07-4501, based on the findings and conditions of approval.

Respectfully submitted,

[Signature]

Kevin Swartz
Assistant Planner

**Exhibits:**

1. Resolution No.2007-23
2. Resolution No.2007-24, with Conditions of Approval
3. Tentative Tract Map 35363
LOT SPLIT #07-4501
TTM #35363

TMS HOMES

RESOLUTION NO.
2007-23

EXHIBIT “1”
RESOLUTION NO. 2007-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATED MONITORING PROGRAM FOR TENTATIVE TRACT MAP 35363 TO SUBDIVIDE A 7.083 ACRE SITE INTO 23 SINGLE FAMILY LOTS.

WHEREAS, an application to subdivide a 7.083 acre site into 23 single family lots has been filed by:

Applicant / Owner: TMS HOMES, LLC
Authorized Agent: Mike Kolsy
Project Location: West side of Hathaway Street, south of Hoffer
APN Number: 534-283-011, 534-283-014
Lot Area: 7.083 Acres

WHEREAS, the proposed Tentative Tract Map is required to subdivide a 7.083-acre vacant site, into 23 single-family lots, is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

WHEREAS, after completion of an Initial Study, the Community Development Department identified potentially significant effects on the environment, but revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore staff has proposed a Mitigated Negative Declaration and Mitigated Monitoring Program for this project; and,

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, biological resources, hydrology report, air quality, noise, mandatory findings of significance, jurisdictional study; and

WHEREAS, on May 11, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided a notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on May 11, 2007 and closing on May 30, 2007, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Mitigated Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on June 19, 2007 at which it received public testimony concerning the project and the proposed
Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

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

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the purposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. **Mitigation Monitoring Program:** That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

5. **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission recommends adoption to the City Council that the project will not have a significant effect on the environment.

6. **Location:** The Mitigated Negative Declaration, and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

PC Resolution No 2007-23

2
SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission recommends adoption to the City Council and hereby takes the following actions:

1. **Adopt MND:** The Mitigated Negative Declaration (attached hereto) for a request to subdivide a 7.083-acre vacant site, into 23 single-family lots is hereby recommended for adoption to the City Council.

2. **Adopt MMP:** The Mitigated Monitoring Program (attached hereto) for the Mitigated Negative Declaration is hereby recommended for adoption to the City Council.

3. **Notice of Determination:** In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

**PASSED, APPROVED AND ADOPTED** this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-23, was duly recommended for adoption to the City Council by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Virginia Sorenson, Recording Secretary
City of Banning, California
Environmental Checklist Form

1. Project title: Tentative Tract Map 35363, Conditional Use Permit 07-802, Design Review 07-702

2. Lead agency name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

3. Contact person and phone number: Kevin Swartz
   951-922-3125

4. Project location: The west side of Hathaway Street, south of Hoffer Street. APNs 534-283-011 and 534-283-014.

5. Project sponsor's name and address: TMS Homes, LLC
   36 Blakely
   Irvine, CA 92620

6. General plan designation: Low Density Residential 0-5 du/ac

7. Zoning: Low Density Residential 0-5 du/ac

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   A Tentative Tract Map to subdivide a 7.083-acre vacant site, into 11 single-family detached residences on 8,266 to 10,365 SF lots, and 24 attached duplex residences on 7,120 to 10,885 SF lots, all fronting on either Evans Street or “A” Street. Lot 1 provides for Hathaway Street and Wilson Street to be widened to the General Plan ultimate width, and sewer and water mains extended to the interior streets. An extension of Evans Street and “A” Street will provide access to the development from both Hoffer Street and Hathaway Street. Curb, gutter and sidewalk will be placed on Hoffer Street, Hathaway Street, and the new streets.

   The Conditional Use Permit is required to allow duplex units on single lots in the Low Density Residential zone.

   The Design Review will consider the architecture of the proposed homes within the Tract Map.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

   North: Single Family Homes/Low Density Residential & Industrial-Mineral Resources
   South: Multiple Family Apartments/High Density Residential
   West: Single Family Homes, Vacant Lands/Low Density Residential
   East: Existing Quarry Property/Industrial/Mineral Resources

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Regional Water Quality Control Board
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

<table>
<thead>
<tr>
<th>X</th>
<th>Aesthetics</th>
<th>X</th>
<th>Agriculture Resources</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Biological Resources</td>
<td>X</td>
<td>Cultural Resources</td>
<td>Geology /Soils</td>
</tr>
<tr>
<td></td>
<td>Hazards &amp; Hazardous Materials</td>
<td></td>
<td>Hydrology / Water Quality</td>
<td>Land Use / Planning</td>
</tr>
<tr>
<td></td>
<td>Mineral Resources</td>
<td>X</td>
<td>Noise</td>
<td>Population / Housing</td>
</tr>
<tr>
<td></td>
<td>Public Services</td>
<td></td>
<td>Recreation</td>
<td>Transportation/Traffic</td>
</tr>
<tr>
<td>X</td>
<td>Utilities / Service Systems</td>
<td></td>
<td>Mandatory Findings of Significance</td>
<td></td>
</tr>
</tbody>
</table>

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature

Date
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
<table>
<thead>
<tr>
<th>I. AESTHETICS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Aerial photograph)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

a) The project site is currently vacant, with no known or historically observable structures. The applicant proposes the subdivision of 7.1 acres for 11 single-family homes and 24 duplexes on 23 lots within the subject site. The Zoning Ordinance allows two story homes in the Low Density Residential zone, and it can be expected that such homes would be constructed on the site. The site gently slopes downward from the northwest to the southeast, with elevations in excess of 2,360 feet above sea level in the northwest corner of the site, and elevations in excess of 2,320 feet above sea level at the southeast corner of the site. The site is located south of the hillsides of the San Bernardino Mountains, and several miles north of the San Jacinto Mountains. Views from the residences to the west will be somewhat impacted by the proposed project, however the primary views for these residents are to the north and south. The existing homes located to the north of the site will also be slightly impacted. However, these homes also have primary views to the north and south, and the sloping grade in this area of the City will allow these residents views of the San Jacinto mountains over the proposed project. Overall, impacts associated with scenic vistas are expected to be less than significant.

b) There are no significant trees, rock outcroppings or historic structures on the subject site.

c) The construction of the proposed project will include single family detached and attached units, located on lots ranging in size from 7,100 to 10,800 square feet. The project is located in an area of the City which includes both single family and multiple family dwellings. The mass and scale of the proposed project, therefore, will not vary significantly from the character of existing development in the area. The grading required on the site to create pads for each of the homes will gently drop from north to south, with only 1.5 to 2 feet of change from one lot to the next. As the area in general slopes in this manner, the proposed project will not vary significantly from the pattern of development.
in the area. Impacts to the visual character of the area are expected to be less than significant.

d) The proposed project will result in increased light due to car headlights and landscaping lighting. Landscaping lighting is expected to be limited and of low voltage. Car headlights will represent a temporary and periodic impact, which is not expected to be significant, given that the area to the west is already built out. The proposed project includes a perimeter wall which will limit lighting exposure from individual lots to off-site locations. In addition, all lighting will be subject to the City's lighting standards, which require that light spillage from one site to the other be controlled. Impacts associated with light and glare are expected to be less than significant.
### II. AGRICULTURE RESOURCES:
Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (General Plan and EIR)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

II. a) The project site is currently vacant, and was previously undeveloped. It is surrounded on the west, south, and north sides by fully developed urbanized residential lands. There are no agricultural lands adjacent to the proposed project. The development of the site will have no impact on agricultural resources.

b) The site is not in agriculture use, nor are there Williamson Act contracts on the land.

c) The site is not in agriculture use. No agricultural lands occur in the vicinity of the site.
<table>
<thead>
<tr>
<th>III. AIR QUALITY: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, Aerial Photo, site inspection)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people? (Project Description)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

III. a)-d)) The development of the project site is consistent with the General Plan designation assigned to the property. The South Coast Air Quality Management District has developed regional air quality plans for the Pass region based on the General Plan of the jurisdictions within the Pass. Therefore, the proposed project will have no impact on air quality plans.

Development of the site will result in short term construction impacts, and long-term operational impacts.

**Construction Impacts**
The development of the site will result in air quality impacts associated with grading and construction. This City is in non-attainment for PM10 emissions, which are associated with fugitive dust. It is expected that the entire property will be graded at once. This has the potential to generate up to 187 pounds of fugitive dust during mass grading conditions. This is a potentially significant impact which requires mitigation.
In addition to fugitive dust, construction equipment used on the site during grading will result in vehicle emissions. Table 1, below, estimates the potential emissions from grading equipment on the site.

### Table 1

**Air Quality Calculations**

**Grading/Construction Equipment Emissions**

(panounds per day)

<table>
<thead>
<tr>
<th>Equipment</th>
<th># Pieces</th>
<th># hrs/day</th>
<th>ROG</th>
<th>CO</th>
<th>NOx</th>
<th>SOx*</th>
<th>PM&lt;sub&gt;10&lt;/sub&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Highway Trucks (Water)</td>
<td>1</td>
<td>8</td>
<td>0.5</td>
<td>30.6</td>
<td>21.7</td>
<td>3.6</td>
<td>0.8</td>
</tr>
<tr>
<td>Scraper</td>
<td>1</td>
<td>8</td>
<td>3.6</td>
<td>31.0</td>
<td>22.5</td>
<td>3.7</td>
<td>0.9</td>
</tr>
<tr>
<td>Wheeled Tractor</td>
<td>1</td>
<td>8</td>
<td>0.7</td>
<td>5.0</td>
<td>4.7</td>
<td>0.7</td>
<td>0.2</td>
</tr>
<tr>
<td>Motor Grader</td>
<td>1</td>
<td>8</td>
<td>1.8</td>
<td>15.0</td>
<td>10.6</td>
<td>0.7</td>
<td>0.4</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1</td>
<td>8</td>
<td>2.1</td>
<td>16.0</td>
<td>15.1</td>
<td>1.1</td>
<td>0.7</td>
</tr>
</tbody>
</table>

**Total:**

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8.6</td>
<td>97.5</td>
<td>74.6</td>
<td>9.8</td>
<td>2.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SCAQMD Daily Threshold**

<table>
<thead>
<tr>
<th></th>
<th>75.0</th>
<th>550.0</th>
<th>100.0</th>
<th>150.0</th>
<th>150.0</th>
</tr>
</thead>
</table>


As shown in Table 1, the construction emissions associated with grading on the project site will not exceed thresholds of significance established by SCAQMD. Impacts are therefore expected to be less than significant.

**Long Term Impacts**

Development of the project site will generate emissions associated with vehicle trips to and from the site. Table 2 below estimates those potential emissions.
Table 2
Air Quality Calculations
Moving Exhaust Emission Projections at Project Build Out
(pounds per day)

<table>
<thead>
<tr>
<th>Total No. Vehicle Trips/Day</th>
<th>Ave. Trip Length (miles)</th>
<th>Total miles/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>246</td>
<td>x15</td>
<td>3,690</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>CO</th>
<th>NOX</th>
<th>ROG</th>
<th>SOX</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pounds</td>
<td>43.5</td>
<td>4.6</td>
<td></td>
<td>4.7</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>0.001</td>
<td>0.001</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
</tbody>
</table>

**SCAQMD Daily Threshold**

**URBEBMIS Version 2.2**

**Scenario Year 2008 -- Model Years 1965 to 2008**

<table>
<thead>
<tr>
<th>Pollutant - Vehicle</th>
<th>CO</th>
<th>NOX</th>
<th>ROG</th>
<th>SOX</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.012</td>
<td>0.001</td>
<td>0.001</td>
<td>0.000</td>
<td>0.000</td>
</tr>
</tbody>
</table>

Source: “Highest (Most Conservative) EMFAC 2002 version 2.2,” Emission Factors for On-Road Vehicles, projects in the SCAQMD (Scenario Years 2003 - 2025), Emission Factors for On-Road Vehicles, Passenger Vehicles (<8500 pounds), Delivery Trucks (>8500 pounds), prepared by South Coast Air Quality Management District, April 2003.

Table 2 shows that the operation of the site at buildout is not expected to result in significant air quality impacts.

In order to assure that fugitive dust impacts associated with the project are reduced to less than significant levels, the following mitigation measures shall be implemented.

1. The applicant shall submit, for review and approval, a PM10 Management Plan for all grading and construction activities, for review and approval by the City Engineer prior to the issuance of grading permits.
2. SCAQMD Rule 403 shall be implemented.
3. No more than 5 acres shall be actively graded during any one day.
4. During all grading and construction activities, the site shall be watered at least twice daily.
5. All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.
6. Streets accessing the project site shall be swept at the end of each work day.
7. All grading activities shall be suspended during wind speeds of 25 mph or greater.

**e)** The development of single family homes on the site is not expected to generate odors.
IV. BIOLOGICAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat 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? (General Plan)</td>
<td>X</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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (General Plan)</td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
The site has been impacted by off-road vehicle and pedestrian use, as well as surrounding roadways and development. The site is currently covered in non-native grasses and ornamental vegetation.

The site is likely used by common species for foraging habitat. Soils on the project site consist of Gorgonio gravelly loamy fine sand, and are not composed of the clays required for appropriate habitat for Marvin’s onion or many-stemmed dudleya. The project site may provide appropriate habitat for burrowing owl, although the lack of perches on the property may limit this potential. The species is a species of concern, and impacts to it during construction would be significant. In order to assure that impacts to burrowing owl are less than significant, the following mitigation measure shall be implemented:

1. Prior to any ground disturbance on the property, and within 30 days of such disturbance, a protocol compliant burrowing owl survey shall be completed on the property by a qualified biologist. Should the species be identified, the biologist shall prepare recommendations, including avoidance measures or relocation, to the satisfaction of the City and the California Department of Fish and Game. No ground disturbing activities shall occur on the site until such time as all required mitigation has been completed.

The project site is not located in a conservation area or a corridor area of the Multiple Species Conservation Plan. The site is surrounded by roadways and residential development, and is not appropriate as a migratory corridor. There is no riparian habitat or wetland on the project site.

With implementation of the mitigation measure, impacts associated with biological resources will be less than significant.
<table>
<thead>
<tr>
<th>V. CULTURAL RESOURCES -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

V. a) The project site was previously undeveloped. The site contains no known historic or prehistoric resources.

b) The subject site contains no known archaeological resources. The site is designated as having a low probability of occurrence for archaeological resources.

c) The subject site contains no known paleontological resource or unique geologic feature. The area is not one of high sensitivity for paleontological resources, due to the age of the soils.

d) The subject site contains no known human remains. The site is not known to have been a site of any burials. State law requires that the project proponent, and his contractors, report any human remains, if they were to be found during project construction. The requirements will assure that law enforcement officials would properly dispose of any remains, should they be identified.
VI. GEOLOGY AND SOILS -- Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iv) Landslides? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Be located on a geological 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? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

VI. a) The site is subject to moderate to strong ground shaking due to potential fault movements along the San Gorgonio Pass Fault located approximately 1 mile north of the site. Engineered design and earthquake-resistant construction are the common solutions to
increased safety and development of seismic areas. Seismic design factors using 2001 California Building Code will be required by the City for all buildings within the proposed project.

Geotechnical studies were prepared to document site soils and geology. The investigations identified several fault areas north of the property. The site will be subject to significant ground shaking during an earthquake.

The site is located in a Moderate probability area for liquefaction, as defined by the General Plan (Exhibit III-14). The geotechnical investigation estimates that ground water levels in this area occur at depths of 300 to 400 feet, making the potential for liquefaction negligible. The site is not located adjacent to hillsides, and is therefore not susceptible to rock fall. Soils at the site are not considered expansive.

Topography of the site is flat to slightly irregular and sloped down to the southeast at a gradient of approximately four percent.

b) The City can be subject to strong winds, which have the potential to erode soils during construction activities. Mitigation measures presented in the Air Quality section, above, are designed to mitigate these impacts to less than significant levels.

c) The subject site and the surrounding area are located in an area with slopes of gradients of approximately four percent, therefore there is less than significant risk of landslide.

d) Soils in the City are not generally expansive. The geotechnical investigation found that soils on the site have a very low potential for expansion. The impacts are expected to be insignificant.

e) All structures within the proposed project will be required to connect to the City's sanitary sewer system. There will be no septic tanks.

Overall impacts associated with soils and geology are expected to be less than significant.

---

<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS --Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Application materials) X</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? (Application materials) X</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? (Application materials) X</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing) X</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 result in a safety hazard for people residing or working in the project area? (General Plan land use map) X</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 project area? (General Plan land use map) X</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan) X</td>
</tr>
<tr>
<td>h) Expose people or structures to a X</td>
</tr>
</tbody>
</table>
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? (General Plan, Fire Setback standards)

VII. a) The development of residential units on the site will not result in and the transport, use or storage of hazardous materials. The City’s solid waste hauler is required to comply with regional and state standards for the disposal of household hazardous materials, which might be generated by the homeowners of the proposed units. Impacts are expected to be insignificant.

b) The site is to be residential, thus will not release hazardous materials.

c) The site is to be residential, thus will not emit or handle hazardous materials or waste.

d) The site is not on a list of hazardous materials sites.

e) The site is 0.5 miles north of the Banning Municipal Airport. The only runway runs in an east-west direction to the south of the subject site, thus will have minimal effect other than occasional distant small airplane noises. No other airstrip occurs in the vicinity.

f) There are no private airstrips near the subject site.

g) The project would not interfere with an emergency response plan or emergency evacuation plan.

h) The site occurs south of undeveloped hillsides, and in a Very High Fire Threat Zone (General Plan, Figure V-10). The site is, however, located in an area of the City which is mostly developed, and which has limited potential for wildland fire hazards. The Fire Department’s requirements for weed abatement and similar standards will be implemented at the project site once development occurs. These requirements, combined with the property location, will reduce impacts associated with wildland fires to less than significant levels.

Overall impacts associated with hazards and hazardous materials are expected to be less than significant.
<table>
<thead>
<tr>
<th>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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 land uses or planned uses for which permits have been granted)? (Water Master Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td>X</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 a manner which would result in flooding on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) 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? (FEMA Maps)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
VIII. a) The project will not violate any water quality standards or waste discharge requirements, insofar as the project will be required to implement NPDES standards for surface waters, and will connect to the City’s sewer system for sanitary flows. The City’s wastewater treatment plant complies with all wastewater discharge requirements.

b) Domestic water is supplied to the project site by the City of Banning. The City has prepared a Water Management Plan which indicates that it has sufficient water sources to accommodate the proposed project. The City is implementing water conservation, purchase and replenishment measures which will result in additional resources available in the long term. The project will be required to contribute, through the payment of connection fees, for the purchase of these sources. The project proponent will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water is utilized.

c) There are no streams or rivers on or near the subject site.

d) A preliminary hydrology study was prepared for the proposed project\(^2\). No storm water facilities currently occur on the project site. The hydrology study determined that the natural drainage course is to the southeast towards Hathaway Street. The proposed project includes the conveyance of storm flows from the site to the existing municipal storm drain system via curb drains, part of the City’s storm drain system. The City requires that on-site flows be cleaned, through the preparation of a Storm Water Pollution Prevention Plan (SWPPP), to assure that storm flows are not contaminated. The City Engineer will require that the hydrology for the site be approved prior to development occurring on the site, to assure that the system proposed will safely convey flows. These City requirements will assure that the impacts associated with storm flows on the site are reduced to less than significant levels.

e) As discussed above, drainage from the subject site will flow into the City’s storm drain system, and will not exceed the capacity of the system and will have less than significant impacts on the overall drainage system.

f) The site is not located within the boundary of a 100 year flood hazard zone.

g) The site is not located within the boundary of a 100 year flood hazard zone.

\(^2\) "Drainage Study for Tract 35363 in the City of Banning" prepared by KEC Engineers, Inc., March 2007.
<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community? (Aerial photo)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Banning Municipal Code)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**IX. a)** The project site is vacant, and development of the site will not divide an established community.

**b)** The proposed project is consistent with the land use and zoning designations assigned to the site. The project will be required to conform to the standards contained in the Zoning Ordinance.

**c)** The proposed project will be required to comply with the requirements of the Western Riverside MSHCP through the payment of fees.

No impacts associated with land use are expected.
<table>
<thead>
<tr>
<th>X. MINERAL RESOURCES -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

X. a)-b) The project site is located in an MRZ-2 mineral resource zone. The area therefore has been identified as having the potential for significant mineral deposits. However, the property has been designated for urban development for a number of years, is located within Banning’s urbanized core, and would be inappropriate for the location of mining facilities, particularly due to its size. Overall impacts are expected to be less than significant.
<table>
<thead>
<tr>
<th>XI. NOISE Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) 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? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td>X</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? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

The proposed project occurs on the west side of Hathaway Street, south of Hoffer Street. The area currently experiences relatively moderate noise levels, primarily due to the residential nature of development. There is some through-traffic in the area including trucks carrying aggregate to and from a quarry to the north along Hathaway Street. Interstate Highway I-10 is located 0.5 miles south of the subject site, thus results in some background noise from trucks and the general high volume of vehicles. Just south of I-10 is a significant railroad mainline, and periodic noise exists from multiple locomotives and horns in the distance. Noise measurements taken for the General Plan EIR indicate that
current noise levels on Hathaway in this area are 70 dBA Leq. Development of the proposed project will result in noise increases over current levels, primarily from vehicle trips generated by the residents of the project. The proposed project is consistent with the General Plan designation assigned to the property. As such, the potential noise impacts in the area were studied in the General Plan EIR. Noise levels on Hoffer Street are expected to be lower, since its traffic generation is expected to be less. It is expected that the truck traffic on Hathaway will continue, because of the continued operation of the quarry to the north. As a result, noise levels in the area will be somewhat elevated, particularly for residential land uses, which are sensitive receptors as defined in the General Plan. However, the proposed project includes the construction of a 6 foot high block wall along the perimeter of the property. The wall will provide noise attenuation of approximately 6 dBA for all residences, and particularly for lots 2 and 24, which will be closest to Hathaway. This level of noise attenuation will reduce potential impacts to less than significant levels, and assure that noise levels on the project site will not exceed City standards. Therefore, long term noise levels generated by development of the site are expected to be less than significant.

b) The project is residential, and will not generate excessive groundborne vibration or groundborne noise levels.

c) As stated in a) above the residential development will generate some additional noise, primarily from traffic. The overall impact within the existing urbanized area is expected to be less than significant.

d) Construction of the proposed homes will also generate noise. These noise levels are expected to be temporary and periodic, but will nonetheless impact the sensitive receptors located to the west, north, and south of the site. Construction equipment generates noise levels in excess of 80 dBA, and as high as 90 dBA. Noise levels for the residences to the immediate west of the property could be significant without mitigation. In order to assure that these noise levels are reduced to less than significant levels, the following mitigation measures shall be implemented:

1. Construction activities shall be limited to those hours prescribed in the Municipal Code.
2. All construction equipment, including heavy equipment, shall be muffled.
3. Construction staging and storage areas shall be located along the eastern portion of the site.
4. Continuous grading activities along the western boundary of the project site shall be limited to no more than 15 minutes within an hour.

With implementation of these mitigation measures, impacts associated with noise will be reduced to less than significant levels.

e) The subject site is located 0.5 miles north of the Banning airport. There is occasional background noise on the subject site from distant small airplanes. The single runway is located in an east-west direction. The subject site is located outside of both existing and future airport noise contour boundaries as defined in the General Plan (Exhibit III-27). Thus it is expected that the airport will not have a significant impact on the subject site.

f) The subject site is not located near a private airstrip.
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>XII. POPULATION AND HOUSING – Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<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)? (General Plan, application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XII. a) The project site is currently vacant, and will result in the construction of 35 single family residences. It is estimated that this will result in approximately 91 residents. The development of residential uses will not induce population growth, and instead will be driven by population growth demands in the area. Overall impacts associated with population and housing are expected to have no impact.

b) The site is vacant, and construction of the project will not displace any housing.

c) The site is vacant, and construction of the project will not displace any people.
<table>
<thead>
<tr>
<th>XIII. PUBLIC SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Schools? (General Plan MEA)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XIII. a) The proposed project will have a less than significant impact on public services. The homes will be served by the City Police Department, and by the County Fire Department, under City contract. Build out of the proposed project will generate sales and property tax which will help offset the costs of added police and fire services, as well as the costs of general government. The applicant will be required to pay school and park fees to offset the project’s impacts on these facilities. Overall impacts are expected to be less than significant.
<table>
<thead>
<tr>
<th>XIV. RECREATION --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XIV. a) The project residents will have access to City parks, but it is not expected that the estimated 91 residents of the project would significantly impact the park system. The proposed project will be required to pay the parkland fee in place at the time of issuance of permits for the site. The fees are designed to assure that adequate parkland is provided throughout the community.

b) The project does not include any additional recreational facilities, therefore would have no impact on the environment.
<table>
<thead>
<tr>
<th>XV. TRANSPORTATION/TRAFFIC -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<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? (No air traffic involved in project)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<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)? (TTM 33540)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access? (TTM 33540)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (TTM 33540)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XV. a) The proposed project includes the construction of 11 single family homes and 24 duplexes on a 7.083 acre parcel. Trip generation analysis for the project site estimates that the proposed project will result in 246 average daily trips, 19 of which will be during the morning peak hour, and 24 of which will be during the evening peak hour.3

---

3 "Trip Generation, 7th Edition," prepared by the Institute of Transportation Engineers.
The proposed project is consistent with the General Plan designation assigned to the site, and therefore was considered in the General Plan EIR traffic impact analysis. In that document, traffic in this area of the City is expected to total less than 5,000 average daily trips at build out of the General Plan. Impacts associated with traffic loads are therefore expected to be less than significant.

b) Traffic levels on Hathaway Street from Morongo Street to Ramsey Street at General Plan build out are expected to be less than 5,000 trips per day. Therefore the project will not exceed the level of service of the adjacent streets.

c) The project will have no impact on air traffic.

d) The project will not increase hazards. The project tract is designed with two limited access points at 90 degree intersections. The City Engineer will continue to review the map, and assure that the circulation design results in safe access and travel through the site.

e) The project will not impact emergency access, the new streets will provide multiple access points for emergency vehicles. The Fire Marshal has, and will continue to review the project for adequate emergency access.

f) The project will not result in inadequate parking capacity. The individual homes will be required to provide on-site parking consistent with the requirements of the Zoning Ordinance.

g) The project will not conflict with adopted policies, plans, or programs supporting alternative transportation. The site is not immediately adjacent to an existing bus route, however, its development will not interfere with the provision of transit services in the area.

Overall impacts associated with traffic and circulation are expected to be less than significant.
<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Management Plan)</td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Management Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) 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? (General Plan, Dept. of Public Works)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XVI. a)-g) Utilities are available in the vicinity of the proposed project. The City and other service providers will collect connection and usage fees to balance for the cost of providing
services. The project will control on-site storm water to the satisfaction of the City Engineer (please see Hydrology, above). The city's solid waste hauler will continue to implement the requirements of AB 939, requiring the reduction of the solid waste stream. The construction of the proposed project is expected to result in less than significant impacts on utility providers.
<table>
<thead>
<tr>
<th>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

XVII. a) The proposed project has the potential to significantly impact biological resources. Mitigation measures included in this document will reduce this impact to less than significant levels.

XVII. b) The proposed subdivision will broaden the types of housing available in the City, consistent with the goals and policies of the General Plan.

XVII. c) The proposed project is consistent with the General Plan vision for the property. As such, the project will contribute to cumulative impacts of General Plan build out, as will all development in the City. The proposed project will not, however, add to these cumulative impacts, beyond those expected in the General Plan EIR.

XVII. d) The proposed project’s impacts associated with air quality and noise have been mitigated
to less than significant levels within this Initial Study.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

General Plan EIR.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Not applicable.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.
CITY OF BANNING
MONITORING PROGRAM FOR CEQA COMPLIANCE

<table>
<thead>
<tr>
<th>DATE:</th>
<th>May 9, 2007</th>
<th>ASSESSORS PARCEL NO.:</th>
<th>534-283-011 and 534-283-014</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASE NO.:</td>
<td>TTM 35363, CUP 07-802, Design Review 07-702</td>
<td>PROJECT LOCATION:</td>
<td>west side of Hathaway Street, south of Hoffer Street</td>
</tr>
<tr>
<td>EA/EIR NO.:</td>
<td></td>
<td>APPROVAL DATE:</td>
<td>In Process</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>TMS Homes LLC</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

THE FOLLOWING REPRESENTS THE CITY'S MITIGATION MONITORING PROGRAM IN CONNECTION WITH THE MITIGATED NEGATIVE DECLARATION FOR THE ABOVE CASE NUMBER

<table>
<thead>
<tr>
<th>SUMMARY MITIGATION MEASURES</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>III. AIR QUALITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submit PM10 management plan.</td>
<td>City Engineer</td>
<td>Prior to construction.</td>
<td>Approved plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement SCAQMD Rule 403.</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grade no more than 5 acres per day.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cover dirt trucks.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clean streets each day.</td>
<td>Building Department</td>
<td>During construction</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stop grading during winds of more than 25 mph.</td>
<td>Building Department</td>
<td>During construction</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV. BIOLOGICAL RESOURCES</td>
<td>RESPONSIBLE FOR MONITORING</td>
<td>TIMING</td>
<td>CRITERIA</td>
<td>COMPLIANCE CHECKED BY</td>
<td>DATE</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------</td>
<td>--------</td>
<td>----------</td>
<td>-----------------------</td>
<td>------</td>
</tr>
<tr>
<td>Prepare burrowing owl survey.</td>
<td>Planning Department</td>
<td>30 days prior to ground disturbance.</td>
<td>Approval of report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>XI. NOISE</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit construction to Municipal Code hours</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muffler all construction equipment</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staging and storage areas to be along eastern property line.</td>
<td>Building Department</td>
<td>During construction</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuous grading along western property line limited to 15 minutes per hour.</td>
<td>Building Department</td>
<td>During grading</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LOT SPLIT #07-4501
TTM #35363

TMS HOMES

RESOLUTION NO.
2007-24

EXHIBIT "2"
RESOLUTION NO. 2007-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BANNING, CALIFORNIA RECOMMENDING TO
THE CITY COUNCIL APPROVAL OF TENTATIVE TRACT
MAP NO. 35363, THE SUBDIVISION OF A 7.083-ACRE SITE
INTO 23 SINGLE-FAMILY RESIDENTIAL LOTS. APN 534-

WHEREAS, an application for TTM 35363 to subdivide a 7.083 acre vacant site, into 23
single family residences lots has been duly filed by:

Applicant / Owner: TMS Homes LLC
Authorized Agent: Mike Kolsy
Project Location: West side of Hathaway Street, and south of Hoffer Street
APN Number: 534-283-011, 534-283-014
Lot Area: 7.083 Acres
Application Complete: April 3, 2007

WHEREAS, the Municipal Code allows for a subdivision of 7.083 acre vacant site, into
23 single family residences lots, subject to the approval of a Tentative Tract Map; and

WHEREAS, on June 8, 2007 the City gave public notice by mailing notices to property
owners within 300 feet of the project site and advertising in the Press Enterprise, a newspaper of
general circulation within the City of Banning, of the holding of a public hearing at which the
project would be considered; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has
provided the applicant with a copy of the Planning Department’s report and recommendation to
the Planning Commission at least three (3) days prior to the below referenced noticed public
hearing; and

WHEREAS, on June 19, 2007 the Planning Commission held the noticed public hearing
at which interested persons had an opportunity to testify in support of, or opposition to, the
Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map; and

WHEREAS, at this public hearing on June 19, 2007 the Planning Commission
considered, heard public comments and recommended adoption to the City Council for a
Mitigated Negative Declaration and Mitigation Monitoring Program for the project by
Resolution 2007-23.

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

PC RESOLUTION NO 2007-24
SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Department as provided in the Staff Report dated June 19, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The recommendation of adoption to the City Council of this Tentative Tract Map is in compliance with the requirements of the California Environmental Quality Act ("CEQA"), in that on June 19, 2007, at a duly noticed public hearing, the Planning Commission recommended adoption to the City Council to adopt a Mitigated Negative Declaration and Mitigated Monitoring program reflecting its independent judgment and analysis and documenting that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 E. Ramsey Street, Banning, California 92220.

2. **Multiple Species Habitat Conservation Plan (MSHCP):** The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. MAP ACT FINDINGS.

In accordance with Banning Municipal Code § 22-27 and Government Code § 66473.1, § 66473.5 and § 66474, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department’s staff report and all documents incorporated by reference therein, the City’s General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City’s Single Family Residential and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. Tentative Tract Map 35363 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City’s General Plan in that:

   The General Plan Land Use Element designation is Low Density Residential (LDR) which allows for the development of 23 single family residential lots. The project is dedicating 80’ along Hathaway Street and 55’ along Wilson Street in compliance with the General Plan. Residential Goal No. 1 of the Land Use Element of the General Plan prescribes the preservation and enhancement of the City’s neighborhoods. This project will enhance and promote the existing neighborhood. The subdivision has been designed to accommodate the development of 23 single family residential lots considering the shape
and topography of the site. The project as proposed has a density of 0-5 units per acre. According to the density ranges provided in the Land Use Element of the City's General Plan for the Low Density Residential land use designation, a density of 0-5 units per acre is appropriate for a site of this size and configuration. The applicant is proposing 3 units per acre; therefore, the Tentative Tract Map complies with the density.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 35363 is consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access. Also on site improvements, such as streets, utilities, landscaping, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards. The purposed project is dedicating 80 feet along Hathaway Street and 55 feet along Wilson Street to the City of Banning in compliance to the General Plan for street and utility purposes.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 35363, in that:

The site is flat and gently slopes downward from the northwest to the southeast, with elevations in excess of 2,360 feet above sea level in the northwest corner of the site, and elevations in excess of 2,320 feet above sea level at the southeast corner of the site. The site is located south of the hillside of the San Bernardino Mountains, and several miles north of the San Jacinto Mountains and consists of 7.083 acres. The site is not located within a flood plain and Geotechnical studies were prepared to document site soils and geology. The investigations identified several fault areas north of the property. The site will be subject to significant ground shaking during an earthquake, but no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for this development.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 35363, in that:

The site slopes downward from the northwest to the southeast, with elevations in excess of 2,360 feet above sea level in the northwest corner of the site, and elevations in excess of 2,320 feet above sea level at the southeast corner of the site, and consists of 7.083 acres. The subdivision has been designed to accommodate the development of 23 single family residential lots considering the shape and topography of the site. The project as proposed has a density of 0-5 units per acre. The site is 7.083 acres which allows for 35 single family lots; the applicant is purposing 23 single family lots which is 3 units per acre. According to the density ranges provided in the Land Use Element of the City's General Plan for the Low Density Residential land use designation and in the City's Zoning Ordinance for the Low Density Residential zone, a density of 0-5 units per acre is appropriate for a site of this size and configuration.

PC RESOLUTION NO 2007-24

3
5. The design of the subdivision and improvements proposed under Tentative Tract Map 35363 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

The site is currently covered in non-native grasses and ornamental vegetation. The site is likely used by common species for foraging habitat. Soils on the project site consist of Gorgonio gravelly loamy fine sand, and are not composed of the clays required for appropriate habitat for Marvin’s onion or many-stemmed dudleya. The project site may provide appropriate habitat for burrowing owl, although the lack of perches on the property may limit this potential. The species is a species of concern, and impacts to it during construction would be significant. In order to assure that impacts to burrowing owl are less than significant, the following mitigation measure shall be implemented:

- Prior to any ground disturbance on the property, and within 30 days of such disturbance, a protocol compliant burrowing owl survey shall be completed on the property by a qualified biologist. Should the species be identified, the biologist shall prepare recommendations, including avoidance measures or relocation, to the satisfaction of the City and the California Department of Fish and Game. No ground disturbing activities shall occur on the site until such time as all required mitigation has been completed.

There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on (site reference material or source). In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

The South Coast Air Quality Management District has developed regional air quality plans for the Pass region based on the General Plan of the jurisdictions within the Pass. Therefore, the proposed project will have no impact on air quality plans.

The proposed project is consistent with the General Plan designation assigned to the property. As such, the potential noise impacts in the area were studied in the General Plan EIR. Noise levels on Hoffer Street are expected to be lower, since its traffic generation is expected to be less. It is expected that the truck traffic on Hathaway will continue, because of the continued operation of the quarry to the north. As a result, noise levels in the area will be somewhat elevated, particularly for residential land uses, which are sensitive receptors as defined in the General Plan. However, the proposed project includes the construction of a 6 foot high block wall along the perimeter of the property. The wall will provide noise attenuation of approximately 6 dBA for all residences, and particularly for lots 2 and 24, which will be closest to Hathaway. This level of noise attenuation will reduce potential impacts to less than significant levels, and assure that noise levels on the project site will not exceed City standards. Therefore, long term noise levels generated by development of the site are expected to be the less than significant.

**PC RESOLUTION NO 2007-24**

4
The proposed project is consistent with the General Plan designation assigned to the site, and therefore was considered in the General Plan EIR traffic impact analysis. In that document, traffic in this area of the City is expected to total less than 5,000 average daily trips at build out of the General Plan. Impacts associated with traffic loads are therefore expected to be less than significant.

This project maintains a LDR land use designation. The project will be complimentary to the surrounding properties through layout and design as well as consistent with existing structures in the surrounding area. The proposed project is consistent with the General Plan vision for the property. As such, the project will contribute to cumulative impacts of General Plan build out, as will all development in the City.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 35363, is not likely to cause serious public health problems in that:

The design of the subdivision is in conformance with the City’s General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City’s Ordinances relating to Storm water runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare. Finally, the proposed street system throughout the subdivision will improve emergency vehicular access and in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 35363, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision of proposed Tentative Tract Map 35363 adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

PC RESOLUTION NO 2007-24

5
SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby recommends that the City Council take the following actions:

1. Recommend Approval to the City Council for Tentative Tract Map. Tentative Tract Map 35363 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-24, was duly recommended for adoption to the City Council by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

PC RESOLUTION NO 2007-24
CONDITIONS OF APPROVAL

PROJECT #: Tentative Tract Map 35363
SUBJECT: Subdivision of 7.083+ acres into 23 Single family residential lots
APPLICANT: TMS Homes
LOCATION: APN: 534-283-011, 534-282-014

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. Tentative Tract No. 35363 is recommended for approval by the Planning Commission. Full approval is subject to City Council action.

3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

4. Time Limits
   a. This tentative tract map shall expire within 2 years from the date of the approval unless extended by the City.
5. Site Development

a. The site shall be developed and maintained in accordance with the approved Map.

b. Prior to use of the project site, the applicant shall submit to the City a Design Review application for all home unit designs. Said application must be reviewed and approved by the Planning Commission prior to development of the site, including grading activities.

c. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.

d. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berms, and/or landscaping to the satisfaction of the Community Development Director. For single family residential developments, transformers shall be placed in underground vaults.

e. Street names shall be submitted for Community Development Director review and approval in accordance with the adopted Street Naming Policy prior to approval of the final map.

f. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.

g. Any portion of the site that has been graded but that has no development activity for 45 days shall be landscaped, including all parkways and open areas. Landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.

h. The developer shall submit a construction access plan and schedule for the development of all lots for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
i. Return walls and corner side walls shall be decorative masonry.

j. Future development for (each building pad/parcel) shall be subject to separate Development/Design Review process for Planning Commission approval.

k. The fill area shall use a combination of slope and retaining wall systems, so the height of any wall shall not exceed 6ft.

l. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.

6. Landscaping

a. A detailed landscape and irrigation plan, including slope planting and model home landscaping in the case of residential development, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

b. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist's recommendations regarding preservation, transplanting, and trimming methods.

c. For single family residential development, all slope planting and irrigation shall be continuously maintained in a healthy and thriving condition by the developer until each individual unit is sold and occupied by the buyer. Prior to releasing occupancy for those units, an inspection shall be conducted by the Planning Division to determine that they are in satisfactory condition.

d. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

e. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer or Home Owners Association.

f. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

g. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

h. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.
7. Environmental – Mitigation Measures

a. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy, the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

b. Any lot with a rear yard slope of more than 5 feet will be designed to include terracing of that slope, and intermediate usable yard space within the slope area. This may include staggered retaining walls, stairs and patios, to the clarification of the Director of Community Development.

c. Alternatively, the tract map can be redesigned to limit pad elevations between adjacent lots to 10 feet or less.

d. All manufactured slopes of 5 feet or more shall be landscaped and irrigated in such a manner as to assure 100% coverage within 12 months. Landscaping shall be native ground cover or similar. Irrigation systems shall be operated and maintained by a groundcover or similar. All irrigation systems shall be operated and maintained by a homeowners’ association, in order to assure long term survival of the plantings. A maintenance easement shall be recorded on each lot on which such a slope occurs, in favor of the homeowners’ association.

e. The applicant shall submit, for review and approval, a PM10 Management Plan for all grading and construction activities, for review and approval by the City Engineer prior to the issuance of grading permits.

f. No more than 5 acres shall be actively graded during any one day.

g. During all grading and construction activities, the site shall be watered at least twice daily.

h. All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.

i. Streets accessing the project site shall be swept at the end of each work day.

j. All grading activities shall be suspended during wind speeds of 25 mph or greater.

k. All diesel powered vehicles and equipment shall be properly maintained.

l. Electric or natural gas powered equipment shall be used to the greatest extent possible.

m. Pre-coated or natural colored building materials shall be used to the greatest extent possible.

n. Within 30 days prior to the issuance of grading permits, a protocol survey for burrowing owls shall be conducted to determine if the species occurs on the site. Should the species be identified, the biologist shall provide the Planning Department with recommendations for relocation, frothier review and approval. No grading permit shall be issued until the relocation has been completed.

8. Other Agencies

a. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.
APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3139, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. General Requirements

a. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

b. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- United States Army Corps of Engineers (USACE)
- California Department of Fish and Game (DFG)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
c. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility surveyors).

A. On-Site Rough Grading Plan
   (all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan
   1" = 50' Horizontal
   Include fuel modifications zones
   Include construction fencing plan

C. SWPPP
   1" = 40' Horizontal
   (Note: A, B, & C shall be processed concurrently.)

D. Off-Site Street Improvement Plan
   1" = 40' Horizontal
   1" = 4' Vertical

E. Off-Site Landscaping Plan
   1" = 20' Horizontal

F. Off-Site Signing & Striping Plan
   1" = 40' Horizontal

G. Construction Traffic Control Plan
   1" = 40' Horizontal
   (major or arterial highways only)

H. On-Site Street Improvement/Signing
   & Striping Plan
   1" = 40' Horizontal
   1" = 4' Vertical

I. On-Site Residential Precise
   Grading Plan
   1" = 30' Horizontal

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

d. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.
e. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.

2. Rights of Way

f. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

g. The applicant shall offer for dedication on the Final Map all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable precise plans, standard plans, and/or as required by the City Engineer. This would include the rights-of-ways for future Hathaway Street and future Wilson Street.

h. Offer to dedicate for public purposes the right-of-way for "A" Street as a general local streets; 60 foot width. The geometrics for the knuckle shall be in accordance with City of Banning Standard No. G-806. Offers of dedication shall include corner cut-off at all intersections.

i. Direct vehicular access to Wilson Street and Hathaway Street from any portion of the site frontage shall be restricted, except for those access points identified on the tentative map, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final map.

j. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. Additionally, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

3. Public Improvements

k. Construct full half street improvements in accordance with City standards fronting Hathaway Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. The typical street section shall be designed in accordance with a general local street. Curb returns shall have a 35 foot radius on Hathaway Street. Street lights on Hathaway Street shall be installed offset of any existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

l. Construct full half street improvements in accordance with City standards fronting Hoffer Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Street lights on Hoffer Street shall be installed offset of any existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

m. Construct full half street improvements in accordance with City standards fronting Wilson Street
including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. The typical street section shall be designed in accordance with a urban arterial highway. Curb returns shall have a 35 foot radius on Wilson Street. Street lights on Wilson Street shall be installed offset of any existing street lights. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

In lieu of construction of the listed public improvements, the property owner shall agree to participate in a future assessment district to construct the public improvements along Wilson Street.

n. Construct full street improvements for “A” Street in accordance with City Standards including street lighting, curb and gutter, cross gutters and spandrels, access ramps, drive approaches, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

o. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

p. All required public improvements for each tract shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

4. Grading and Drainage

q. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

r. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent developed property to the west.

s. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

a. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

b. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.

c. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through, and including acceptance of all improvements by the City.

d. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):

i. Temporary Soil Stabilization (erosion control).
ii. Temporary Sediment Control.
iii. Wind Erosion Control.
iv. Tracking Control.
v. Non-Storm Water Management.
vi. Waste Management and Materials Pollution Control.

e. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

f. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

t. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

u. A rough grading plan and a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

v. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

w. All lot drainage shall be directed to the driveway by side yard drainage swales independent of any other lot.

5. Landscaping

x. Prior to occupancy of the first dwelling unit of the development an automatic sprinkler system and landscaping shall be installed within the parkway and area reserved for future street along Wilson Street and Hathaway Street. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be consistent with the City's Landscape Design Guidelines and shall be reviewed and approved by the City Engineer.

y. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems. A low water- using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

z. A Homeowners' Association shall be established promptly following recordation of the final map and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the landscaping along the parkway and the area reserved for future street. The developer shall appoint the members of the Board of Directors of the Homeowners' Association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.
aa. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

6. Traffic

bb. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

cc. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

dd. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

7. Final Map

ee. Prior to approval of any Final Map, the applicant shall construct all on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.

ff. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

- Faithful Performance Bond - 100% of estimated cost
- Labor and Material Bond - 100% of estimated cost
- Monumentation Bond - $5,000.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

gg. Prior to approval of the Final Map, the applicant shall submit a list of street names and addresses in Microsoft Excel spreadsheet format for review and approval. The house number system shall be in accordance with Section 21-17 & 21-18 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

hh. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.
ii. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or revisions.

jj. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

kk. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to final map approval.

ll. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.

mm. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

8. Trash/Recycling

nn. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler for disposal of construction debris.

9. Fees

oo. Plan check fees for final map review, professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the Fee Schedule in effect at the time of submittal.

pp. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of scheduling.

qq. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

rr. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

A. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot within the subdivision.

B. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.

APPLICANT SHALL CONTACT THE FIRE DIVISION, (951) 922-3219, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

Residential Dwelling Units - $1,335.00 per unit + $5.00 per unit Disaster Planning
Apartments - Condominiums - $1,335.00 per unit
Mobile Home Parks - $1,335.00 per unit
Plan Check & Inspection - $118.00 per unit
*Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

1. CODE COMPLIANCE:

a. All Plans, Specifications and Construction shall comply with and conform to the current edition of the Uniform Fire Code (UFC), Uniform Building Code (UBC), and other state and local laws as applicable.

2. FIRE HYDRANTS:

b. Prior to construction or renovation, working fire hydrants shall be provided when any portion of any structure exceeds 150 feet from a water supply on a public street.

c. Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards. (maximum 300 feet)

d. Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.

e. The City standard fire hydrant is the Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal.

f. Fire Hydrants are to be painted by the developer, contractor, etc., prior to the final inspection.

g. (EOS Standard W714) Rustoleum Red, damp proof #759 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.

3. WATER SUPPLY:

h. Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire Flow may be adjusted upward where conditions indicate an unusual susceptibility to fire. (minimum 1000gpm for 2 hours)

4. FIRE DEPARTMENT ACCESS:

i. Shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.

j. Minimum clearances or widths may be increased when the minimum standards are not adequate for Fire Department access.

k. Surfaces shall be designed and maintained to support the imposed loads of fire apparatus. Surfaces shall have all-weather driving capabilities, including bridges.

l. Minimum unobstructed width shall be 20 feet.

m. Minimum unobstructed vertical clearance shall not be less than 13 feet 6 inches.

n. Minimum turning radius shall be 42 feet.

o. All dead-end access roads in excess of 150 feet shall have approved provisions for turning around of fire apparatus.

p. Maximum grade shall be established by the Fire Department.

q. Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access.
r. Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus.

s. The requirements for this segment are covered in UFC Article 9.

5. PREMISES IDENTIFICATION:

t. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

u. Residential - 3-1/2" mm. Size

6. SPARK ARRESTORS:

v. Chimneys used in conjunction with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with an approved spark arrester.

7. INSPECTIONS:

w. Inspections shall be requested a minimum of forty-eight (48) hours prior to the time the required inspection is needed.

x. Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.

8. HAZARDOUS MATERIALS:

y. The storage, dispensing, use or handling of hazardous materials during construction shall be in accordance with the provisions of UFC Article 80 and UBC Section 307 in addition to all federal, state and local laws or ordinances.

APPLICANT SHALL CONTACT THE WATER DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. WATER

a. Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a water line on proposed "A" Street from Hoffer Street to Hathaway Street.

b. All water lines and fittings shall be a minimum of 8" diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

c. Each unit within a duplex is to have its own water service.

d. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300' maximum spacing.

e. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

2. SEWER

f. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a sewer line on proposed "A" Street from Hoffer Street to Hathaway Street, then from north property line of project on Hathaway Street to the existing sewer line at Wilson Street.
g. All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8" diameter.

h. Each unit within a duplex is to have its own sewer service lateral.

i. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

j. Request a Reimbursement Agreement for the construction of the sewer line on Hathaway Street for those who benefit from the new sewer line.

3. FEES

k. Water and Sewer Connection Fees shall be paid per EDU (EDU is based upon one unit or two units per duplex) and payment of Water Meter Installation Charges at the time of issuance of building permits, for each unit in a duplex within this tract in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees and recycled/irrigation water fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT THE ELECTRIC DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

a. The overhead 12 KV power lines will be required to be placed underground to the N/E corner of the project on Hathaway Street. Power for this project will be underground from a location on the north side of E. Hoffer Street. Please call if you have any further questions.
LOT SPLIT #07-4501
TTM #35363

TMS HOMES
TRACT MAP

EXHIBIT “3”
STAFF REPORT
PLANNING COMMISSION

DATE: JUNE 19, 2007

CASE NO'S: DESIGN REVIEW #07-703 WITH ENVIRONMENTAL REVIEW.

REQUESTS: DESIGN REVIEW FOR A 158,662 SQUARE FOOT INDUSTRIAL PARK.

LOCATION: SOUTH WEST CORNER OF BARBOUR AND HATHAWAY STREETS. APN 541-330-002.

APPLICANT: RODNEY FOSKETT, INDUSTRIAL BUILDERS INC.

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT DETERMINED THAT THE PROJECT WOULD RESULT IN POTENTIALLY SIGNIFICANT EFFECTS ON THE ENVIRONMENT, BUT THAT REVISIONS TO THE PROJECT OR THE INCORPORATION OF MITIGATION MEASURES WOULD AVOID OR LESSEN THE EFFECTS BELOW THE THRESHOLD OF SIGNIFICANCE; THEREFORE, STAFF HAS PROPOSED A MITIGATED NEGATIVE DECLARATION.

BACKGROUND:

Project Location

The subject property is vacant land in a relatively sparsely developed area of Banning. The site is bounded by Barbour Street on the north, Hathaway Street on the east and Westward Street on the south. On the western boundary of the site is the Terra Trucking Company. Directly east from the site on the SEC of Barbour and Hathaway Streets is the Deutsch Industries headquarters and yards. Across Barbour to the north is a vacant lot at the NWC of Barbour and Hathaway and at the NEC of that intersection is Banning Airport property. There are several older single-family residences along the north side of Barbour. On the west is vacant land stretching to Charles Street where there is an existing, relatively new residential subdivision. All land surrounding the project is zoned Industrial including Airport Industrial on the north, and Industrial on the remaining three sides.

Project Description

Industrial Builders, Inc. of Hesperia, California has submitted a Design Review application requesting approval of an industrial center consisting of 158,662 square feet of buildings with a 12,000 square foot outdoor storage yard on approximately 8.20 net
acres. The proposed Barbour Street Industrial Park site (formerly known as Drag City Industrial Park) is located on Industrial zoned property on the SWC of Barbour and Hathaway Streets. It formerly used the name Drag City Industrial Park but is not associated with the Drag City project. The site for the recently approved drag strip is located south of the Banning Airport several parcels east of the subject property directly east of the Deutsch Industries property.

According to the traffic study estimates based on other industrial projects of this size, it is estimated that this project could bring approximately 106 jobs to the City of Banning.

**Environmental Review**

As the Lead Agency, the City of Banning has prepared an Initial Study/Environmental Checklist (IS) for the project. Based on the findings of the IS, the City found that the project could result in a potentially significant effect on the environment. However, revisions and/or mitigation measures can be imposed on the project that would result in reducing the impacts to a less than significant level; therefore, a Mitigated Negative Declaration (MND) is proposed. Issues identified in the Initial Study include air quality and transportation and biological resources. Please note that mitigation measures include:

1. Implementation of SCAQMD Rule 402 and 403 during all construction;
2. Contribution to the fair share of intersection and roadway improvements; and
3. Prior to any ground disturbance on the property, and within 30 days of such disturbance, a protocol compliant burrowing owl survey shall be completed on the property by a qualified biologist. Should the species be identified, the biologist shall prepare recommendations, including avoidance measures or relocation, to the satisfaction of the City and the California Department of Fish and Game. No ground disturbing activities shall occur on the site until such time as all required mitigation has been completed.

The project site is not located in a conservation area or a corridor area of the Multiple Species Conservation Plan. The site is surrounded by roadways and industrial development on three sides, and is not appropriate as a migratory corridor. There is no riparian habitat or wetland on the project site.

For specific information, including Mitigation Measures please refer to the attached Resolution and the attached Initial Study, Mitigation Measures and Monitoring Program.

**Findings:**

Findings can be made to approve the Mitigated Negative Declaration and Design Review application are included in the Resolutions of approval.

**Public Notice**

This proposal was advertised in the Press Enterprise newspaper on June 8, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date,
no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

**Design Review Analysis**

**Site Plan**

*Density:* 158,662 square feet of building on a 358,185 square foot lot yields 44% building coverage. Maximum building coverage permissible in the Industrial zone is 60%.

*Access:* The closest freeway exit to this project is at Hargrave. Lincoln, Hargrave and Barbour will be the main street routes accessing the project from the north, east and west. There is little development to the south or east of the airport, so the majority of traffic will likely come from the north and west. The project is bounded by streets on three sides and two driveways are proposed on each street.

A traffic study was completed for this project and the traffic analysis calculated that the proposed project would generate 1,106 average daily trips, of which 146 would occur in the morning peak hour, and 155 would occur in the evening peak hour. The study then distributed these trips onto local roadways, and analyzed the impacts to area intersections. The analysis assumed a build out year of 2009, and included cumulative projects, and an annual increase in ambient traffic in the area. This analysis found that 5 of the six project area intersections continue to operate at acceptable levels of service, but that the intersection of Hargrave and I-10 EB ramps will operate at level of service E in the AM peak hour. With the addition of the proposed project, all intersections except Hargrave/I-10 EB ramps continue to operate at acceptable levels of service. Hargrave/I-10 EB ramps continue to operate at level of service E in the morning peak hour. With improvements, however, level of service at this intersection would be D in the morning peak hour, which is acceptable under the General Plan’s level of service policies. Therefore, although the proposed project contributes to a significant impact at this intersection, with mitigation, the impact can be reduced to less than significant levels.

The applicant is required to make fair share contribution (80.61%) of the cost of the widening and/or re-stripping of the I-10 eastbound off-ramp to provide an eastbound left turn lane and a shared eastbound through/right turn lane.

The applicant is required to construct full half-width street improvements to Barbour, Hathaway and Westward Streets.

The traffic study also reviewed on-site project design for traffic safety, both within the project and on surrounding roads. The study found that the design of the project would result in safe operations at all project driveways. The project is designed at right angles, allowing for safe and simple turning movements within and off the site. The driveways off of Hathaway Street correspond with the east-west drive aisles that provide access to the interior of the complex.

The proposed shared driveway on the west end off of Barbour is subject to recordation of a reciprocal access agreement with the neighboring property. If this cannot be obtained the driveway will need to be removed or re-designed.
Storage Yard: A 12,000 square foot outdoor storage yard is proposed. This yard is adjacent to the trash area facing Westward Avenue. The yard will be surrounded by an 8 foot high block wall. 8 feet is the maximum wall height permitted in the Industrial Zone. The applicant has stated that tenants will not be permitted to stack stored materials above the height of the wall.

Parking requirements: For industrial buildings the spaces required are 1/250 sq ft gross floor area up to 3,000 sq. ft. plus 1/500 sq ft gross floor area between 3,000 and 10,000 sq. ft. plus 1/800 sq ft of gross area over 10,000 square feet.

- 3,000 sq. ft. @ 1/250 = 12
- 7,000 sq. ft. @ 1/500 = 14
- 148,622 sq. ft. @ 1/800 = 186

212 total spaces required, 220 provided.

Setbacks: All setbacks are well in excess of the minimum requirements. The project is in compliance with the development standards for this zone. Please refer to the table below:

<table>
<thead>
<tr>
<th>Development Standards Compliance Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed</td>
</tr>
<tr>
<td>Building Coverage</td>
</tr>
<tr>
<td>Parking Spaces</td>
</tr>
<tr>
<td>Front Setback Barbour</td>
</tr>
<tr>
<td>Rear Setback Westward</td>
</tr>
<tr>
<td>Street-side Hathaway</td>
</tr>
<tr>
<td>Side yard on the west</td>
</tr>
<tr>
<td>Building Height</td>
</tr>
</tbody>
</table>

Grading Plan
The site drops approximately 12.5 feet curb to curb from the western boundary line to Hathaway Street on the east and approximately 13.5 feet from Barbour Street on the north to the south property line at Westward Street. The project is required to meet existing street grades on three sides. The grades are met by stepping the building foundations and utilizing a 1.0% to 5.0% slope on the paved interior portions of the project. The remaining gradient is taken up in the landscaped areas utilizing retaining walls up to 5 feet in height and 3% to 6% slopes. Some of the retaining wall will be visible as part of the perimeter landscape elements and as part of the 8 foot screen wall surrounding the outdoor storage area. There will be approximately 50,000 cubic yards of cut and fill for this project with approximately 5,000 yards of import.

Architectural Plans
The applicant has been very responsive to staff's request to update the architecture of the proposed concrete tilt-up buildings. The architect has created a retro modern look that echoes the Deutsch building across the street but the architecture of the proposed buildings have a less industrial look than those metal structures. Stucco and stacked stone is used on the exterior and the masses are articulated to provide interest to the facade and also to provide height variation. Several paint colors are used to enhance the articulation. Buildings A and B are more detailed than C and D. Staff is recommending a condition of approval that more articulation be added to buildings C and D. This will add interest to
the blank expanses that are seen from the public right of ways and will provide planting pockets around the buildings. This condition is in keeping with Chapter 9103.05 Design Guidelines: General Design Principles for Commercial and Industrial Development in the zoning code which states in Section B. Undesirable Elements that "...industrial buildings should not include large blank, unarticulated wall surfaces or square, "boxlike" structures". Also, Chapter 9108.09 Landscape Design Guidelines: 3-E which states: "Landscaping should be installed around buildings. Asphalt edges are to be avoided".

Landscape Plan: Staff has communicated to the applicant the need to make changes to the landscape plan to be consistent with the requirements and guidelines of the zoning ordinance. A proposed condition of approval requires that the applicant work with staff to further develop the landscape plan to be consistent with City requirements listed in Section 9108.03 of the Zoning Code, including the required 20% 36 inch box trees, 50% 24 inch box trees and 100% 5 gallon shrub sizes; and 100% groundcover coverage with in one year. A combination of berming, walls and wrought iron fencing with stone pilasters will be required around the perimeter of the project and extra berming will be required to screen the parking areas from the street. The addition of a flowering specimen tree will be added to the landscape plan. The slopes in the parkways provide both a means of adding elevation change to meet street grades and also drainage swales-they will need to be graded to assure they do not exceed the maximum city requirements.

Utilities
The project will be served by the City’s Water, Sewer and Electrical services. The electrical poles along Barbour and Hathaway Streets are proposed to be under-grounded by the applicant.

Summary

The proposal, as conditioned, is consistent with the General Plan, its goals and policies for industrial development. GP Industrial Goal is: A balanced mix of non-industrial land uses which provide local jobs for the City’s residents; Policy 11 is: Encourage the development of industrial campuses and zoning. The project has been designed to be compatible with the surrounding industrial area in which it is located and as an attractive, well designed industrial project, it will greatly enhance the neighborhood. This project will bring more jobs into Banning and will have an overall positive impact on the City. Staff is of the opinion that here are no outstanding issues that have not been taken care of through the conditioning of the project.

RECOMMENDATION:

That the Planning Commission:

1. Approve Resolution No 2007-25 to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program; and
Respectfully submitted,

Kim Clinton, AICP
Senior Planner

Exhibits:
1. Resolution No. 2007-25 with environmental documents.
2. Resolution No. 2007-26 with conditions of approval.
3. Plans Booklet (Previously Distributed)
RESOLUTION NO. 2007-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR DESIGN REVIEW NO. 07-703; DEVELOPMENT PLANS FOR THE BARBOUR STREET INDUSTRIAL PARK, 158,662 SQUARE FEET OF INDUSTRIAL BUILDINGS AND A 12,000 SQUARE FOOT OUTDOOR STORAGE YARD ON APPROXIMATELY 8.20 NET ACRES; LOCATED AT THE SWC OF HATHAWAY AND BARBOUR STREETS. APN 541-330-002.

WHEREAS, an application for the development of the Barbour Street Industrial Park, a 158,662 square foot industrial buildings and 12,000 square foot storage yard has been filed by:

Applicant/Owner: Industrial Builders, Inc
Authorized Agent: Rodney Foskett, Richard Torres
Project Location: SWC Hathaway and Barbour Streets
APN Information: 541-330-002
Lot Area: 8.20 Acres

WHEREAS, the proposed Barbour St. Industrial Park, 158,662 square feet of industrial buildings with a 12,000 square foot outdoor storage yard on approximately 8.20 net acres is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

WHEREAS, after completion of an Initial Study, the Community Development Department identified potentially significant effects on the environment, but that determined that revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore a Mitigated Negative Declaration and Mitigation Monitoring Program has been proposed for this project; and,

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, Traffic Study, Determination Page and Mitigation Monitoring Program.

WHEREAS, on May 11, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,
WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on May 11, 2007 and closing on May 31, 2007, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Mitigated Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on June 19, 2007 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

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

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

5. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into
consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

1. **Adopt MND**: The Mitigated Negative Declaration (attached hereto) for Design Review 07-703 Barbour St. Industrial Park is hereby approved and adopted.

2. **Adopt MMP**: The Mitigation Monitoring Program (attached hereto) for the Mitigated Negative Declaration is hereby approved and adopted.

3. **Notice of Determination**: In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Community Development Department shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

4. **Location**: The Mitigated Negative Declaration, Mitigation Monitoring Program, and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-25, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
Environmental Checklist Form

1. Project title: Design Review 07-703, Barbour St. Industrial Park (AKA Drag City Industrial Park)

2. Lead agency name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

3. Contact person and phone number: Kim Clinton
   951-922-3125

4. Project location: Southwest corner of Barbour Street and Hathaway Street; APN #541-330-002

5. Project sponsor's name and address: Rodney Foskett
   721 N. Sunset Ave., Space 78
   Banning, CA 92220

6. General plan designation: Industrial

7. Zoning: Industrial

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   Design Review to address the site planning and architectural design of a proposed four-building industrial park, totaling 158,662 square feet of space for multiple tenants, on a 9.12 acre site. The two buildings fronting on Westward are proposed to include two outdoor storage yards. Buildings are proposed to be 28 feet in height.

   The site is bordered on the north by Barbour Street, on the east by Hathaway Street, and on the south by Westward Avenue (extended). Access is proposed as follows: two access points each on both Barbour and Westward – one at the western boundary of the site, and one in the center of the site; and two on Hathaway – one approximately 200 feet south of Barbour, and one approximately 400 feet south of Barbour, and 200 feet north of Westward. The proposal includes the extension of Westward, which currently terminates on the east side of Hathaway.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

   North: Barbour Street, existing industrial development and vacant lands
   South: Vacant land
   West: Existing industrial development
   East: Existing industrial development

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X

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

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

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

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

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

Signature

Date

145
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
<table>
<thead>
<tr>
<th>I. AESTHETICS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Aerial photograph)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Master Plan document)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Master Plan document)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

I. a)-d) The proposed project occurs south of Interstate 10, in an area which is largely developed with industrial buildings of varying size. The area has views of the San Jacinto Mountains to the south, and the San Gorgonio mountains to the north. The development of 28 foot high buildings will not significantly impact scenic vistas, insofar as the mass and scale of the proposed buildings are consistent with the area in which they are to be constructed, and no residential land uses occur in the immediate vicinity.

The site is currently vacant, and does not include any scenic resources such as trees, rock outcroppings or historic buildings. No impact to scenic resources will occur.

The existing character of the area is industrial in nature, and the area is designated for industrial development in both the General Plan and Zoning Ordinance. Therefore, the proposed project is consistent with the visual character of the area and will not negatively impact it.

The proposed project will result in additional lighting from vehicles traveling to and from the site, as well as security and building lighting. However, it is anticipated that the primary use of the facilities on the site will be during the daytime hours, with limited evening or night-time activity, if any. Since the area is already developed for industrial land uses, it is not expected that the additional lighting resulting from the build out of the proposed project will add substantially to the current lighting environment. In addition, the proposed project will be required to comply with City lighting standards, which are designed to limit spillage of lighting onto adjacent properties.

Overall impacts associated with aesthetics are not expected to be significant.
<table>
<thead>
<tr>
<th>II. AGRICULTURE RESOURCES: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (General Plan and EIR)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

II. a)-c) The project site is not currently in agriculture, nor are adjacent properties. Some cattle grazing has occurred to the south of the project site, south of Charles Street. No significant agricultural activities have occurred in this area of the City for a number of years. There are no Williamson Act contracts on the project site, or on lands in the vicinity. The land is designated for industrial development, and has been for a number of years. The proposed project is not expected to have any impact on agricultural resources.
<table>
<thead>
<tr>
<th>III. AIR QUALITY: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (SCAQMD CEQA Handbook)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (SCAQMD CEQA Handbook)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, Aerial Photo, site inspection)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people? (Project Description)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

III. a)-c) The proposed project will generate air quality emissions during the construction phase, primarily associated with fugitive dust and equipment emissions; and during its long term operation, primarily due to vehicular trips to and from the site. Each of these issue areas is addressed separately below.

**Construction Emissions**

The proposed project area consists of 9.12 acres. For purposes of this analysis, it has been assumed that the entire site will be mass graded. Table 1, below, summarizes the fugitive dust which will be generated by this grading activity.
As shown in the Table, the grading of the proposed project will result in 240.8 pounds per day of fugitive dust. This exceeds the SCAQMD threshold of 150 pounds, and represents a potentially significant impact which will require mitigation. The City will require the preparation of a dust control management plan with the submittal of grading permits for the project. In order to assure that this plan effectively reduces dust impacts, mitigation measures are provided below, which shall be included in the dust management plans.

1. A dust control plan shall be submitted to the City for review and approval prior to the issuance of grading permits. The dust control plan shall include a combination of measures which reduce dust emissions by at least 50%, as described in Table 2.

<table>
<thead>
<tr>
<th>Daily PM_{10} Reduction</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apply Soil Stabilizers to Inactive Areas</td>
<td>30%</td>
</tr>
<tr>
<td>Replace Ground Cover in Disturbed Areas Quickly</td>
<td>15%</td>
</tr>
<tr>
<td>Water Exposed Surfaces 2 Times Daily</td>
<td>34%</td>
</tr>
<tr>
<td>Water Exposed Surfaces 3 Times Daily</td>
<td>50%</td>
</tr>
</tbody>
</table>


2. All grading activities shall be halted when winds are forecast to exceed 25 miles per hour.
3. All soil stockpiles not used within three days shall be covered with plastic, or sprayed with a nontoxic chemical stabilizer.
4. Construction access points to City streets shall be swept daily or washed down at the end of each work day.
5. Any visible track-out extending more than 50 feet from the access point shall be swept or washed within 30 minutes of deposition.

In addition to fugitive dust, grading will generate emissions associated with the equipment utilized to complete grading. Table 2, below, quantifies the emissions which can be expected from these vehicles. As shown in the Table, the emissions will not exceed SCAQMD thresholds of significance.
Table 3
Grading Equipment Emissions
(pounds per day)

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Pieces</th>
<th># hrs/day</th>
<th>CO</th>
<th>ROC</th>
<th>NOx</th>
<th>SOx*</th>
<th>PM_{10}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crawler Tractors</td>
<td>1</td>
<td>8</td>
<td>10.35</td>
<td>1.45</td>
<td>11.62</td>
<td>1.12</td>
<td>0.53</td>
</tr>
<tr>
<td>Scrapers</td>
<td>1</td>
<td>8</td>
<td>29.62</td>
<td>3.64</td>
<td>24.59</td>
<td>3.68</td>
<td>1.08</td>
</tr>
<tr>
<td>Tractor/Loader/Backhoe</td>
<td>1</td>
<td>8</td>
<td>4.64</td>
<td>0.65</td>
<td>5.21</td>
<td>1.14</td>
<td>0.24</td>
</tr>
<tr>
<td>Rubber Tired Dozer</td>
<td>0</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Graders</td>
<td>2</td>
<td>8</td>
<td>29.96</td>
<td>3.52</td>
<td>22.00</td>
<td>1.44</td>
<td>0.90</td>
</tr>
<tr>
<td>Off-Highway Trucks (Water Trucks)</td>
<td>1</td>
<td>8</td>
<td>30.62</td>
<td>3.60</td>
<td>22.48</td>
<td>1.12</td>
<td>0.92</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td>105.19</td>
<td>12.86</td>
<td>85.90</td>
<td>8.50</td>
<td>3.67</td>
</tr>
<tr>
<td>SCAQMD Thresholds of Significance</td>
<td></td>
<td></td>
<td>550.0</td>
<td>75.00</td>
<td>100.0</td>
<td>150.0</td>
<td>150.0</td>
</tr>
</tbody>
</table>

Construction activities will also generate emissions associated with equipment, worker vehicles, asphalt off-gassing, and architectural coatings. These impacts are summarized in Table 3, below.

Table 4
Aggregate Construction - Related Emissions
(pounds per day)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>CO</th>
<th>NOx</th>
<th>SOx</th>
<th>PM_{10}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Emissions</td>
<td>10.52</td>
<td>85.39</td>
<td>68.06</td>
<td>13.56</td>
<td>2.41</td>
</tr>
<tr>
<td>Workers' Vehicle Emissions</td>
<td>-</td>
<td>57.69</td>
<td>6.12</td>
<td>0.04</td>
<td>0.52</td>
</tr>
<tr>
<td>Asphalt Paving Emissions</td>
<td>3.14</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Architectural Coatings Emissions</td>
<td>55.50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Construction Emissions</strong></td>
<td>69.16</td>
<td>143.08</td>
<td>74.18</td>
<td>13.60</td>
<td>2.93</td>
</tr>
<tr>
<td>SCAQMD Thresholds of Significance</td>
<td>75.00</td>
<td>550.00</td>
<td>100.00</td>
<td>150.00</td>
<td>150.00</td>
</tr>
</tbody>
</table>

Since it is expected that grading and construction activities will not occur simultaneously, the air emissions during the construction process are not expected to exceed the SCAQMD thresholds of significance, and are therefore not expected to be significant.

Operational Emissions
The traffic impact analysis for the project estimated that 1,106 average daily trips will be generated at the site at project build out\(^1\). These trips have the potential to generate the following emissions.

---

Table 5
Air Quality Calculations
Moving Exhaust Emission Projections at Project Build Out
(pounds per day)

<table>
<thead>
<tr>
<th>Total No. Vehicle Trips/Day</th>
<th>Ave. Trip Length (miles)</th>
<th>Total miles/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,106</td>
<td>x 15</td>
<td>16,590</td>
</tr>
<tr>
<td>Pollutant</td>
<td>CO NOX ROG SOX PM10</td>
<td></td>
</tr>
<tr>
<td>Pounds</td>
<td>195.7 20.7 21.2 0.1 1.9</td>
<td></td>
</tr>
<tr>
<td>SCAQMD Daily Threshold</td>
<td>550.0 100.0 75.0 150.0 150.0</td>
<td></td>
</tr>
</tbody>
</table>

URBEBMIS Version 2.2
Scenario Year 2008 – Model Years 1965 to 2008

<table>
<thead>
<tr>
<th>Pollutant - Vehicle</th>
<th>CO NOX ROG SOX PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.012 0.001 0.001 0.000 0.000</td>
</tr>
</tbody>
</table>

As shown in the Table, emissions are not expected to exceed thresholds of significance for any criteria pollutant. Impacts are therefore expected to be less than significant.

The City requires that all industrial and quasi-industrial operations occur only inside enclosed buildings. Therefore, any odors which might be generated by a user within the project would be contained. Further, the project occurs in an industrial area, and is not located adjacent to sensitive receptors. No impact is expected.
<table>
<thead>
<tr>
<th>IV. BIOLOGICAL RESOURCES -- Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (General Plan)</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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (General Plan)</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (General Plan)</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? (General Plan)</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (General Plan Biological Resources Element)</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (General Plan)</td>
</tr>
</tbody>
</table>
IV. a)-f) Development of the proposed project will occur on lands which are currently covered in non-native grasses and ornamental vegetation. The site has been impacted by off-road vehicle and pedestrian use, as well as surrounding roadways and development.

The site is likely used by common species for foraging habitat. Soils on the project site consist of Gorgonio gravelly loamy fine sand, and are not composed of the clays required for appropriate habitat for Marvin’s onion or many-stemmed dudleya. The project site may provide appropriate for burrowing owl, and the species has been identified at locations in and around the airport. The species is a species of concern, and impacts to it during construction would be significant. In order to assure that impacts to burrowing owl are less than significant, the following mitigation measure shall be implemented:

1. Prior to any ground disturbance on the property, and within 30 days of such disturbance, a protocol compliant burrowing owl survey shall be completed on the property by a qualified biologist. Should the species be identified, the biologist shall prepare recommendations, including avoidance measures or relocation, to the satisfaction of the City and the California Department of Fish and Game. No ground disturbing activities shall occur on the site until such time as all required mitigation has been completed.

The project site is not located in a conservation area or a corridor area of the Multiple Species Conservation Plan. The site is surrounded by roadways and industrial development on three sides, and is not appropriate as a migratory corridor. There is no riparian habitat or wetland on the project site.

With implementation of the mitigation measure, impacts associated with biological resources will be less than significant.
V. CULTURAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5'? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5'? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those intered outside of formal cemeteries? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

V. a)-d) The proposed project site is not located in an area of potential significance for cultural resources. There are no historic structures on the site. The land has in the distant past been used for grazing, and has been disturbed. Neither cultural nor paleontological resources are expected to occur on the site.

There are no known burial grounds on the project site. California law requires that if the contractor were to unearth human remains, law enforcement officials are to be immediately contacted for proper investigation and removal of the remains. This provision of law assures that there will be no impact to human remains.
VI. GEOLOGY AND SOILS -- Would the project:

<table>
<thead>
<tr>
<th>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (General Plan)</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking? (General Plan)</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
</tr>
<tr>
<td>iv) Landslides? (General Plan)</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan)</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

VI. a)-e) The proposed project is not located in an Alquist-Priolo Earthquake Fault Zone. The site is, however, less than 2 miles south of the San Gorgonio Pass Fault, and will be subject to significant ground shaking during an earthquake. The proposed buildings, although not proposed to be of frame construction, will be required to meet the requirements of the Uniform Building Code for seismic zones, including reinforced concrete for the tilt-up panels, and similar reinforcement for roofing trusses. These City requirements will assure that the impacts associated with seismic ground shaking will be less than significant.
The site and surrounding area are flat, and landslide or rock fall hazards are not possible in the area. The area is in an area of moderate susceptibility for liquefaction, but depth to groundwater in this area is generally over 100 feet, and liquefaction is highly unlikely.

The site will be subject to soil erosion during the grading process. Wind erosion will be reduced by the City's requirements for dust control plans, which will be required of the proposed project. These requirements will reduce wind erosion hazards to less than significant levels.

The project will also be required to conform to the requirements of the National Pollution Discharge Elimination System (NPDES), which requires the preparation of a Storm Water Pollution Prevention Program (SWPPP), including best management practices for the control of storm water during and after construction. These measures are design to prevent pollutants, silts and other materials from entering surface waters. These requirements will assure that impacts associated with water erosion are reduced to less than significant levels.

The soils in the City are generally sandy loams, and are not expansive. The proposed project will be required to connect to the City's sewer system, and will not use septic tanks.
<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS --Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (Application materials)</td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing)</td>
<td></td>
<td></td>
<td>X</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 result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
<td></td>
<td>X</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 project area? (General Plan land use map)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>h) Expose people or structures to a</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
VII. a)-h) The proposed project will accommodate a number of industrial and quasi-industrial tenants. Specific land uses have not been proposed with the current application. Given the land use designation of Industrial, however, a broad range of users, including some who would transport, store or use hazardous materials, are possible at the site. These land uses, however, are strictly regulated by local, regional, state and federal permit requirements, which are designed to mitigate the impact of the use, transport of storage of these materials. The proposed tenants would be inspected by the Fire Department as part of the tenant improvement and business licensing process, and may require a Conditional Use Permit or similar application approval prior to the initiation of business. These requirements will assure that tenants using hazardous materials comply to all local, regional, state or federal requirements.

The proposed project is located to the southwest of the Banning Airport. The project buildings are proposed to be 28 feet in height, well below the 35 foot maximum height allowed adjacent to the airport. The use of the site for industrial purposes, and not for a residential use, for example, is more appropriate adjacent to the airport property due to the daytime use and limited number of persons likely to be at the site at any one time. Impacts associated with the adjacent airport are expected to be less than significant.

The project is located adjacent to three City streets, two of which are already well-traveled, will provide multiple access points for emergency vehicles, and will not have any impact on emergency response plans. The site is located in an industrial area, and is not adjacent to wildlands.

Overall impacts associated with hazards and hazardous materials are expected to be less than significant.
<table>
<thead>
<tr>
<th>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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 land uses or planned uses for which permits have been granted)? (Urban Water Management Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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 a manner which would result in flooding on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) 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? (FEMA Maps)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
VIII. a)-g) Domestic water is supplied to the project site by the City of Banning. The proposed project’s build out will result in the need for domestic water service for employee use, and water for landscaping irrigation. Based on City Water Department estimates by land use, the proposed project is likely to generate a need for approximately 27,360 gallons of domestic water per day, or 21.8 acre feet per year. The project site occurs in the Banning Hydrologic Subunit and is between the Banning Bench Storage Unit and the East Banning Storage Unit. The City’s Urban Water Management Plan clearly states that the City has sufficient water supplies, or access to additional water supplies, to serve the proposed project. In addition, the project will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water is utilized.

The City will require, prior to the issuance of grading permits, the approval of a final hydrology study, to determine the level of storm flows to be expected at the site. The City will require that the 100 year storm flow be retained on site. The preliminary hydrology study prepared to date has been reviewed by the City Engineer, and proposes that the project connect to existing storm drains adjacent to the site via project landscaping areas, which will act as vegetated swales. The project will also be required to prepare and implement a SWPPP, including best management practices to clean storm water and assure that silt and pollutants are not allowed to leave the site during and after construction. These City requirements will assure that impacts associated with hydrology will be less than significant.

2 “Hydrology Study Drag City Business Park,” prepared by Kevin Richer, RCE.
<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community? (Aerial photo)</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Banning Municipal Code)</td>
</tr>
</tbody>
</table>

IX. a)-c) The project site is currently vacant, and is surrounded on three sides by roadways (2 improved roadways, and the extension of Westward). The proposed project will not divide an established community.

The proposed project will result in over 158,000 square feet of mixed light industrial uses on a 9.12 acre site. The site is designated in the General Plan and on the Zoning map for industrial development. Industrial development occurs on lands surrounding the proposed project site.

The project will be required to pay the fees associated with the Multiple Species Habitat Conservation Plan, in compliance with that plan.

No impacts associated with land use are expected.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X. MINERAL RESOURCES -- Would the project:</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? (General Plan)</td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

X. a) & b) The project site is in an area which is largely developed with industrial land uses, and not adjacent to hillsides of streams which would be appropriate for mineral resource extraction. No impact is expected.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XI. NOISE Would the project result in:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) 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? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td>X</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? (General Plan land use map)</td>
<td></td>
<td>X</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? (General Plan land use map)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XI. a)-f) The proposed project will result in the use of the property for an unknown mix of industrial and quasi-industrial land uses on 9.12 acres. The proposed project includes 158,662 square feet of enclosed buildings, with two outdoor storage yards located on the south side of the property, adjacent to the two southerly buildings. The site is designated for industrial development, and is surrounded by existing City streets and existing industrial development. Industrial land uses are not considered sensitive receptors for noise. However, the Zoning Ordinance requires that manufacturing activities generally
occur inside enclosed buildings, and the yards will be screened, both for aesthetic and noise purposes.

The land uses to occupy the buildings are not known at this time. It is possible that some equipment would generate vibrations, if a manufacturing use was proposed. However, it would not be expected that such vibration would be significant, as most equipment would be secured for operation.

Development of the proposed project would increase noise levels in the area, due to the increase in traffic, and the manufacturing activities. The project will be fenced around its perimeter, to aid in limiting noise off-site. The noise levels from traffic will be on major City roadways in an industrial area, where noise levels are already high, and somewhat impacted by both the railroad and Interstate noise levels which already occur north of the site.

Construction of the proposed project will generate noise during the construction process. However, this noise will be temporary and periodic, and will occur during the daytime hours, when ambient noise levels are higher. Further, the surrounding industrial operations will be operating, and generating noise in the area. Although employees may experience some noise annoyance during construction, it is not expected to be significant, nor will it be of significant duration.

The proposed project site is located outside the 55 dBA noise contour of the airport. The project site will not be impacted by airport noise.

Overall impacts are expected to be less than significant.
<table>
<thead>
<tr>
<th>XII. POPULATION AND HOUSING – Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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)? (General Plan, application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XII. a)-c) The proposed project will result in new employment opportunities for City residents. Employment in industrial land uses varies, but at a rate of one employee per 1,500 square feet of space, the project would generate an employment base of 106 persons. Given the number of residents who commute to other locations for employment, it is likely that most of the project’s jobs would be filled by local residents. This ultimately would be a beneficial impact for the project, insofar as commute times would be reduced, and air quality and traffic impacts would be reduced.

The creation of 106 jobs will not significantly induce growth in the community; insofar as the project will not create a demand for new residential units for these employees. It would be expected that the jobs will be filled by existing City residents, or people moving to Banning as part of the normal growth cycles in the City.

The site is currently vacant, and construction of the proposed project will not displace people or housing.

Implementation of the proposed project is not expected to impact population and housing.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>XIII. PUBLIC SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Schools? (General Plan EIR)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XIII. a) The proposed project will increase the demand for fire and police services somewhat, insofar as structures on the site will increase the potential for fire and potentially criminal activity. The need, however, is expected to be limited, particularly when compared to residential land use demand for such services. The proposed project will generate property tax to offset some of these costs.

The proposed project, as an industrial development, is not expected to impact schools or parks. However, the project will be required to pay the mandated school fees at the time building permits are issued.

Impacts associated with public services are expected to be limited.
<table>
<thead>
<tr>
<th>XIV. RECREATION --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

XIV. a) & b) As previously stated, the development of industrial buildings will have no impact on parks or recreation.
<table>
<thead>
<tr>
<th>XV. TRANSPORTATION/TRAFFIC -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<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? (No air traffic involved in project)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<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)? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XV. a)-g) A traffic impact analysis was prepared for the proposed project. The traffic study analyzed current traffic conditions on surrounding streets, and found that five of the six area intersections (Hargrave/I-10 WB Ramps; Hargrave/Lincoln; Hargrave/Barbour; Hathaway Barbour; and Hathaway/Lincoln) currently operate at level of service C or lower.
better during the morning and evening peak hours. At Hargrave/I-10 EB ramps, however, the morning peak hour level of service is D, while the evening peak hour level of service is C. This intersection consists of a one-way stop, and is not currently signalized.

The traffic analysis also calculated that the proposed project would generate 1,106 average daily trips, of which 146 would occur in the morning peak hour, and 155 would occur in the evening peak hour. The study then distributed these trips onto local roadways, and analyzed the impacts to area intersections. The analysis assumed a build out year of 2009, and included cumulative projects, and an annual increase in ambient traffic in the area. This analysis found that 5 of the six project area intersections continue to operate at acceptable levels of service, but that the intersection of Hargrave and I-10 EB ramps will operate at level of service E in the AM peak hour. With the addition of the proposed project, all intersections except Hargrave/I-10 EB ramps continue to operate at acceptable levels of service. Hargrave/I-10 EB ramps continues to operate at level of service E in the morning peak hour. With improvements, however, level of service at this intersection would be D in the morning peak hour, which is acceptable under the General Plan’s level of service policies. Therefore, although the proposed project contributes to a significant impact at this intersection, with mitigation, the impact can be reduced to less than significant levels.

1. The applicant shall make fair share contribution (80.61%) of the cost of the widening and/or re-striping of the I-10 eastbound off-ramp to provide an eastbound left turn lane and a shared eastbound through/right turn lane.

The traffic study also reviewed on-site project design for traffic safety, both within the project and on surrounding roads. The study found that the design of the project would result in safe operations at all project driveways. The project is designed at right angles, allowing for safe and simple turning movements within and off the site. No impact is expected.

The proposed project will be required to meet the City’s parking requirements, and parking capacity should not be impacted.

The proposed project occurs on existing City streets, and will extend Westward, which will provide added opportunities for transit access in the future. No impacts associated with alternative transportation are expected.

With implementation of the mitigation measure above, impacts associated with traffic will be less than significant.
<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Management Plan)</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? (General Plan)</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Management Plan)</td>
</tr>
<tr>
<td>e) 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? (General Plan, Dept. of Public Works)</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (General Plan)</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan)</td>
</tr>
</tbody>
</table>
XVI. a)-g) Utilities are available at the project site. Electric, telephone and other utilities and services will collect connection and usage fees to balance the cost of providing services. The City's solid waste franchisee will continue to implement the requirements of AB 939, requiring the reduction of the solid waste stream. Capacity exists at regional landfills for waste generated by project businesses. In addition, it is likely that some businesses will have compactors or other equipment to reduce their waste stream. The construction of the proposed project is expected to have no impacts on utility providers.
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

---

XVII. a) The project site may provide habitat for the burrowing owl. Mitigation provided in this Initial Study will assure that impacts to the species are less than significant. The site is in an area of low probability for cultural resources, and impacts will be less than significant.

XVII. b) The proposed project is consistent with the General Plan designation placed on the property, and the development of industrial buildings will implement goals and policies in the General Plan encouraging a broader economic and job base. The project is consistent with long term goals.

XVII. c) The proposed project is consistent with the General Plan, and the cumulative impacts analyzed in the General Plan EIR. The proposed project will not generate additional cumulative impacts.
XVII. d) The proposed project will have a potential for significant impacts associated with air quality. The mitigation measures included in the Initial Study, however, will assure that these impacts are reduced to less than significant levels.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.
General Plan EIR.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
Not applicable.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
Not applicable.
# CITY OF BANNING
MONITORING PROGRAM FOR CEQA COMPLIANCE

<table>
<thead>
<tr>
<th>DATE:</th>
<th>May 9, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASE NO.:</td>
<td>Design Review 07-703, Drag City Industrial Park</td>
</tr>
<tr>
<td>ASSESSORS PARCEL NO.:</td>
<td>541-330-002</td>
</tr>
<tr>
<td>PROJECT LOCATION:</td>
<td>Southwest corner of Barbour and Hathaway</td>
</tr>
<tr>
<td>EA/EIR NO:</td>
<td></td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>Rodney Foskett</td>
</tr>
<tr>
<td>APPROVAL DATE:</td>
<td>In Process</td>
</tr>
</tbody>
</table>

THE FOLLOWING REPRESENTS THE CITY'S MITIGATION MONITORING PROGRAM IN CONNECTION WITH THE MITIGATED NEGATIVE DECLARATION FOR THE ABOVE CASE NUMBER

## III. AIR QUALITY

<table>
<thead>
<tr>
<th>SUMMARY MITIGATION MEASURES</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit PM10 management plan, reducing dust by 50%</td>
<td>City Engineer</td>
<td>Prior to construction.</td>
<td>Approved plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Streets accessing project to be swept each day.</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stop grading during winds of more than 25 mph.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cover stockpiled materials.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## IV. BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>SUMMARY MITIGATION MEASURES</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare burrowing owl survey.</td>
<td>Planning Department</td>
<td>30 days prior to ground disturbance.</td>
<td>Approval of report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUMMARY MITIGATION MEASURES</td>
<td>RESPONSIBLE FOR MONITORING</td>
<td>TIMING</td>
<td>CRITERIA</td>
<td>COMPLIANCE CHECKED BY</td>
<td>DATE</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------</td>
<td>--------------</td>
<td>----------------</td>
<td>------------------------</td>
<td>------</td>
</tr>
<tr>
<td>XV. TRANSPORTATION</td>
<td></td>
<td>Prior to occupancy.</td>
<td>Payment of fees.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pay fair share contribution for eastbound off ramp.</td>
<td>Planning Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DESIGN REVIEW
# 07-703

RESOLUTION
NO. 2007-26

EXHIBIT "2"
RESOLUTION NO. 2007-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW NO. 07-703, DEVELOPMENT PLANS FOR BARBOUR INDUSTRIAL PARK, 158,662 SQUARE FEET OF INDUSTRIAL BUILDINGS AND 12,000 SQUARE FOOT OUTDOOR STORAGE YARD ON APPROXIMATELY 8.20 NET ACRES; LOCATED AT THE SWC OF HATHAWAY AND BARBOUR STREETS APN 541-330-002.

WHEREAS, an application for Design Review No.07-703 was duly filed by:

Applicant/Owner: Industrial Builders, Inc
Authorized Agent: Rodney Foskett, Richard Torres
Project Location: SWC Hathaway and Barbour Streets
APN Information: 541-330-002
Lot Area: 8.20 Acres

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review No. 07-703 pursuant to Banning Municipal Code Section 9114; to develop a 158,662 square foot industrial building complex on 8.20 ac and,

WHEREAS, the applicant is requesting approval of Design Review No. 07-703 for the development of a 158,662 square foot industrial building complex on 8.20 ac in compliance with Banning Municipal Code Section 9114.; and,

WHEREAS, on June 8, 2007 the City gave public notice by mailing notices to property owners within 300 feet of the project site and advertising in The Press Enterprise, a newspaper of local circulation, of the holding of a public meeting at which the project would be considered; and

WHEREAS, the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting held on June 19, 2007.

WHEREAS, at this public hearing on June 19, 2007 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution 2007-25 and

NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:
SECTION 1. SITE DESIGN REVIEW PROJECT FINDINGS:

In light of the record before it, including the staff report dated June 19, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

A. Design Review No. 07-703 requires that the Design Review satisfies each of the findings under the Banning Municipal Code Section 9114. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

1. The proposed project is consistent with the General Plan.

This project is consistent with the General Plan “Industrial” land use designation for the site.

This project is consistent with the General Plan’s goals and policies for industrial development. The GP Industrial Goal is: A balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents; Policy 11 is: Encourage the development of industrial campuses and zoning. The project proposal is for an industrial campus with individual units that will provide a mix of light industrial uses. In the traffic study it is estimated that the project could create up to 106 jobs, based on the size and type of project.

2. The proposed project is consistent with the zoning ordinance, including, development standards and guidelines for the district in which it is located.

The proposed industrial development is consistent with the Industrial zone in which it is to be located; the code permits the development of industrial complexes as proposed. Further, the proposed development is in conformance with the development standards for the industrial zone in which the property is located relating to setbacks, building height, walls and landscaping as follows:

<table>
<thead>
<tr>
<th>Development Standards Compliance Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed</td>
</tr>
<tr>
<td>Building Coverage</td>
</tr>
<tr>
<td>Parking Spaces</td>
</tr>
<tr>
<td>Front Setback Barbour</td>
</tr>
<tr>
<td>Rear Setback Westward</td>
</tr>
<tr>
<td>Street-side Hathaway</td>
</tr>
<tr>
<td>Side yard on the west</td>
</tr>
<tr>
<td>Building Height</td>
</tr>
</tbody>
</table>
3. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

The project does not interfere with the use and enjoyment of surrounding properties. It is fenced and walled, and the proposed grading will take care of nuisance water so that it does not flow on to adjoining properties. The access will not interfere with that of adjoining properties. As a condition of the project approval, the applicant will improve the surrounding roadways. All trash and storage areas are screened from view. A traffic study was completed for this project and the study reviewed on-site project design for traffic safety, both within the project and on surrounding roads. The study found that the design of the project would result in safe operations at all project driveways. The project is designed at right angles, allowing for safe and simple turning movements within and off the site. The driveways off of Hathaway Street correspond with the east-west drive aisles that provide access to the interior of the complex.

The traffic analysis calculated that the proposed project would generate 1,106 average daily trips, of which 146 would occur in the morning peak hour, and 155 would occur in the evening peak hour. The study then distributed these trips onto local roadways, and analyzed the impacts to area intersections. The analysis assumed a build out year of 2009, and included cumulative projects, and an annual increase in ambient traffic in the area. This analysis found that 5 of the six project area intersections continue to operate at acceptable levels of service, but that the intersection of Hargrave and I-10 EB ramps will operate at Level of Service E in the AM peak hour. With the addition of the proposed project, all intersections except Hargrave/I-10 EB ramps continue to operate at acceptable levels of service. Hargrave/I-10 EB ramps continue to operate at Level of Service E in the morning peak hour. With improvements, however, level of service at this intersection would be a Level of Service D in the morning peak hour, which is acceptable under the General Plan's level of service policies. Therefore, although the proposed project contributes to a significant impact at this intersection, with mitigation, the impact can be reduced to less than significant levels.

The applicant is required to make fair share contribution (80.61%) of the cost of the widening and/or re-stripping of the I-10 eastbound off-ramp to provide an eastbound left turn lane and a shared eastbound through/right turn lane.
The applicant is required to construct full half-width street improvements to Barbour, Hathaway and Westward Streets.

4. The design of the proposed project is compatible with the character of the surrounding neighborhood.

The project is surrounded by industrial zoned properties with industrial projects such as the Deutsch industrial complex located directly across Hathaway Street and a trucking company directly adjacent on the west. The property located on the NE corner is part of the City’s airport. The proposed project consists of tilt-up buildings that have been architecturally treated on all four sides and will be compatible with and will also enhance the neighborhood. There will be extensive landscaping on the perimeter and the existing pole-lines will be undergrounded.

B. Attached in Attachment “I” are conditions of approval that impose additional site specific conditions on the Project with which the Design Review must comply. The Planning Commission hereby finds and determines that Design Review No. 07-703 satisfies the other site specific plans as follows:

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated June 19, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on June 19, 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
SECTION 3. PLANNING COMMISSION ACTIONS

A. In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the findings made in Section No. 2 of this Resolution, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

B. Design Review No. 07-703 for the review of the site development and architecture for an industrial complex is hereby approved subject to the conditions set forth in Attachment "1" attached hereto and incorporated herein by this reference. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

_________________________
Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

_________________________
Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-26, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________
Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #:  Design Review 07-703

SUBJECT:  Barbour St. Industrial Park

APPLICANT:  Industrial Builders, Inc. Richard Torres

LOCATION:  SWC Barbour St. and Hathaway St

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

C. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits. A recorded reciprocal access agreement with the adjacent property owner will be required prior to the construction of the shared driveway on Barbour Street.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

6. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berms, and/or landscaping to the satisfaction of the Community Development Director.

9. The developer shall submit a construction access plan and schedule for the development of the lot for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

10. A detailed on-site lighting plan, including a photometric diagram, that illustrates "0" lumens at the property line, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

11. The lighting fixture design shall complement the architectural program. The fixtures shall utilize flat lenses and bulbs shall be shielded to prevent glare when viewed from off-site.

12. Six to eight-foot decorative block walls or a combination of walls, berms and wrought-iron shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/fences along the project’s perimeter.

D. Development

1. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.

2. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

   a. Architecturally integrated into the design of the project.

   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.

   c. Large enough to accommodate two trash bins.
d. Trash bins with counter-weighted lids.

e. Architecturally treated overhead shade trellis.

f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

3. Graffiti shall be removed within 72 hours.

4. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

   **No stored items shall be visible above the wall of the outdoor storage yard.**

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:

   a. Noise Level - All commercial or industrial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

   b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

6. Textured pavement shall be provided across circulation aisles, pedestrian walkways, and plazas. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

7. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

8. The lighting fixture design shall compliment the architectural program. It shall include the freestanding lighting fixtures, building mounted lighting fixtures (exterior), and parking lot lighting fixtures.

**E. Building Design**

1. All buildings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits. **Additional articulation is to be added to buildings C and D.**

2. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.
F. Parking and Vehicular Access (indicate details on building plans)

1. All parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide. 

2. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb). 

3. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/recreational uses. 

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards. 

5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits. 

6. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 parking stalls (no less than 1) shall be served by an access aisle 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible. 

7. Motorcycle parking area shall be provided for commercial and office facilities with 25 or more parking stalls. Developments with over 100 parking stalls shall provide motorcycle parking at the rate of one percent. The area for motorcycle parking shall be a minimum of 56 square feet. 

8. Carpool and vanpool designated off-street parking close to the building shall be provided for commercial, office, and industrial facilities at the rate of 10 percent of the total parking area. If covered, the vertical clearance shall be no less than 9 feet. 

G. Trip Reduction 

1. Category 5 telephone cable or fiber optic cable shall be provided for office buildings. 

2. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided. 

H. Landscaping 

1. A detailed landscape and irrigation plan, including slope planting, landscaping, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits. 

2. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist’s recommendations regarding preservation, transplanting, and trimming methods.
3. A minimum of 30% within commercial projects, shall be specimen size trees - 24-inch box or larger.

4. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

5. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

6. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

7. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

8. For commercial/industrial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.

9. Front yard and corner side yard landscaping and irrigation shall be required per the Development Code. This requirement shall be in addition to the required street trees and slope planting.

10. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

11. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer.

12. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

13. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.
14. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

I. Signs

1. The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.

J. Environmental

1. A final acoustical report shall be submitted for Community Development Director review and approval prior to the issuance of building permits. The final report shall discuss the level of interior noise attenuation to below 45 CNEL, the building materials and construction techniques provided, and if appropriate, verify the adequacy of the mitigation measures. The building plans will be checked for conformance with the mitigation measures contained in the final report.

2. The mitigation measures contained in the environmental study for this project are hereby incorporated into the conditions of approval. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy), the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

K. Other Agencies

1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail box, the final location of the mail box and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

L. General Requirements

1. Submit four complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;

f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

2. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect’s/Engineer’s stamp and “wet” signature are required prior to plan check submittal.

3. Separate permits are required for fencing and/or walls.

4. Contractors must show proof of State and City licenses and Workers’ Compensation coverage to the City prior to permit issuance.

5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

M. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

3. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

4. Construct trash enclosure(s) per City Standard (available at the Planning Division’s public counter).
5. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 ½" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

N. New Structures

1. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistance.

2. Provide compliance with the Uniform Building Code for required occupancy separation(s).

3. Roofing material shall be installed per the manufacturer's "high wind" instructions.

4. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

5. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

6. Provide draft stops in attics in line with common walls.

7. Roofing materials shall be Class "A."

8. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A.

9. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.

10. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.

11. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.

12. Provide smoke and heat venting in accordance with UBC Section 906.

13. Provide method of airborne and impact sound transmission control between dwelling units.

14. Upon tenant improvement plan check submittal, additional requirements may be needed.

O. Grading

1. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.
2. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

3. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

4. The final grading plans shall be completed and approved prior to issuance of building permits.

5. As a custom-lot subdivision, the following requirements shall be met:
   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.
   b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.
   c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.
   d. Final grading plans for each parcel are to be submitted to the Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).
   e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.

6. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

P. General Requirements

1. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability
Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- United States Army Corps of Engineers (USACE)
- California Department of Fish and Game (DFG)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
3. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

A. Grading Plan  
   1" = 40' Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan  
   1" = 50' Horizontal
   Include any fuel modifications zones
   Include construction fencing plan

C. SWPPP  
   1" = 40' Horizontal
   (Note: A, B, & C shall be processed concurrently.)

D. Off-Site Street Improvement Plan  
   1" = 40' Horizontal
   1" = 4' Vertical

E. Off-Site Signing & Striping Plan  
   1" = 40' Horizontal

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

4. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

5. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.
6. The lot may not be a legal lot of record. Submit a chain of title dating back to May 27, 1954 to determine the status of the lot. If the lot is not a legal lot of record, a certificate of compliance shall be required in accordance with Sections 66499.34 and 66499.35 of the Subdivision Map Act and may contain conditions of approval. At the minimum, a land surveyor licensed by the State of California shall be required to place property monuments in compliance with state and local regulations.

Q. Rights of Way

7. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

8. Offer to dedicate to the City of Banning an additional 3 feet of right-of-way in order to meet the City of Banning master planned half street width of 33 feet fronting Barbour Street. Offers of dedication shall include corner cut-off at intersections.

9. Offer to dedicate to the City of Banning an additional 14 feet of right-of-way in order to meet the City of Banning master planned half street width of 44 feet fronting Hathaway Street. Offers of dedication shall include corner cut-off at intersections.

10. Offer to dedicate for public purposes the half street right-of-way for Westward Avenue as a Collector street; 66 foot total width. Offers of dedication shall include corner cut-off at intersections and the area necessary to provide a temporary turn around until the street is constructed as a through street.

11. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to issuance of a grading permit.

12. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

R. Public Improvements

13. All public improvements shall be financed, designed, and constructed at the expense of the developer. This may include the formation of and participation in a regional financial mechanism for the construction of required improvements. Additionally, the developer may enter into a reimbursement agreement for those improvements constructed that may provide benefit outside the development in accordance with Banning Municipal Code.

14. Participation in the design and construction of public improvements by the developer shall mean the fair share amount to be determined by engineering estimates prepared by the applicant subject to review and approval of the City Engineer; and, the preparation of associated engineering studies.
15. Construct full half street improvements in accordance with City standards fronting Barbour Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns have a 35 foot radius on Barbour Street. Street lights shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

16. Construct full half street improvements in accordance with City standards fronting Hathaway Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns have a 35 foot radius on Hathaway Street. Street lights shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

17. Construct full half street improvements in accordance with City standards fronting Westward Avenue including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. The width of the traveled way shall include a temporary cul-de-sac turn around as specified by the Fire Marshall. Curb returns have a 35 foot radius on Westward Avenue. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

18. Remove and replace pavement markings along Hargrave Street from Ramsey Street to Barbour Street to provide dedicated left turn pockets for the intersections at the eastbound and westbound ramps at Interstate10; Lincol Street; and, Barbour Street. This may include widening portions of Hargrave Street to provide pavement transitions.

19. Participate in the design and construction of improvements to the I-10/Hargrave Street interchange. The improvements shall include installation of traffic signals including interconnect system and ramp widening in accordance with Caltrans standards.

20. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street traveled ways.

21. Prior to issuance of a public works permit the applicant shall provide a bond to the city to guarantee that the work will be completed in compliance with permit requirements and the conditions of approval.

22. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.

23. All required public improvements for each tract shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.
S. Grading and Drainage

24. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

25. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists crossing Barbour Street onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

26. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent developed property to the west.
27. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

1. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

2. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.

3. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through, and including acceptance of all improvements by the City.

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.

   c. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

   f. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

28. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

29. A grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

30. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

31. Prior to any grading plan approval, the applicant shall submit a PM10 Management Plan for construction operations for review and approval of the City Engineer. The plan shall include provisions for dust management and control such as watering the site each morning and evening, spreading soil binders on unpaved roads and parking areas, re-establishing ground cover, paving of construction roads, and the operation of street sweepers where appropriate.
T. Landscaping

32. The developer shall provide and maintain landscape improvements for the parkways of all streets in accordance with the Landscape Guidelines adopted by Resolution No. 2006-52. Parkway landscaping may be incorporated into site landscaping.

33. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. “Xeriscape” shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

34. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

U. Traffic

35. Provide a focused traffic study addressing the proposed onsite circulation for the project and address the adequacy as it relates to safe access along Barbour Street, Hathaway Street and Westward Avenue. This includes identifying the desired level of traffic control at project driveways and/or intersections. A scoping agreement shall be prepared addressing the required details of the study.

36. Westward Avenue shall be posted “No-Parking” until the full width of the traveled way is improved.

37. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

38. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

39. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable CC&R's or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

Attachment “1”
V. Trash/Recycling

40. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

41. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

W. Fees

42. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the Fee Schedule in effect at the time of submittal.

43. Public Works Inspection fees shall be paid prior to permit issuance in accordance with the Fee Schedule in effect at time of time of scheduling.

44. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

45. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

46. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot within the subdivision.

47. If required, a fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.
WATER

Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a looped water distribution system within a 20’ wide easement on the proposed driveways from the mains in Barbour Street, Hathaway Street, and Westward Avenue.

All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

Each unit within a building is to have its own water service.

Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

A backflow device must be installed on each water service and irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

SEWER

Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a sewer line on Westward Avenue from Hathaway Street to the westerly property line of the project site and a sewer collection system within the project site in a 20’ wide easement on the proposed driveways from the new main on Westward Avenue or existing main on Hathaway Street.

All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8” diameter.

Each unit within a building is to have its own sewer service lateral.

A sewer check valve shall be provided for each unit with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.
FEES

Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU is based upon the estimated quality and quantity of discharge), and payment of Water Meter Installation Charges at the time of issuance of building permits; for each unit in a building within the Park in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees and recycled/irrigation water fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

i) Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.

ii) Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

iii) Granting easement for electric facilities installation/maintenance, etc.

iv) All trenching, backfill, and compaction.

v) All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).

vi) Installation of Streetlight poles and conduit.

vii) Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section.
CITY ELECTRIC DEPARTMENT

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan indicating driveways and street improvement plan. Additional sheets may be required upon request.
2. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
3. Granting easement for electric facilities installation/maintenance, etc.
4. All trenching, backfill, and compaction.
5. All conduits, vaults, and other materials associated with their installation.
6. Electrical contractor to supply and install underground service lateral cable required from new service equipment to the transformer.
7. Installation of Streetlight poles and conduit.

The City Electric Department shall be responsible for:
1. Reviewing plans submitted by customer.
2. Providing a cost estimate for installing an underground electrical system for this project.
3. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
4. Providing primary cable, transformers and electrical apparatus necessary to complete a working electrical system for this project.

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Fire Department Developer Fees:

Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

Commercial, Industrial and/or Office Complex:

$ .468 per square foot +
$ 25.00 per unit Disaster Planning

Plan Check & Inspection - $ 118.00 per hour
"Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.
Code Compliance

All Plans, Specifications and Construction shall comply with and conform to the current edition of the Uniform Fire Code (UFC), Uniform Building Code (UBC), and other state and local laws as applicable.

SPRINKLER SYSTEMS REQUIRED:

Fire Sprinkler Systems shall be installed as required by the UFC or in any and all structures with a total floor area of ten thousand (10,000) sq. ft. or more (5,000 sq. ft. for assembly occupancies or 3,000 sq. ft. for hazardous occupancies), or for those occupancies that are at or beyond the Fire Department's response time of ten (10) minutes beginning at the time the call is received at Dispatch.

SPRINKLER AND ALARM SYSTEMS:

Three (3) sets of plans and calculations, including three (3) sets of manufacturer’s hardware specifications, shall be submitted to a State Certified Fire Protection Engineering Firm, designated by the Fire Marshal, for review for compliance with recognized codes and standards.

Alarm monitoring stations must be located within 100 miles of the City of Banning or approved by the Fire Marshal.

SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:

Inspections - Fire Department: $118.00 per hour, per person. (One-hour minimum)
   Additional fees as charged by the designated Fire Protection Engineering Firm.

Plan Checks - Established by the Fire Protection Engineering firm designated.

SPRINKLER SYSTEM UNDERGROUND:

No work shall be started prior to issuance of the permit.

The minimum size for water supply to the base of the riser shall be six (6) inches for commercial systems.

An approved AWWA double check detector check assembly, as approved by the C.O.B Water Department located as close to the property line as possible, and a minimum of twelve (12) inches above the ground shall be provided.

The Water Department shall approve all plans involving water main service.
FIRE HYDRANTS:

Prior to construction or renovation, working fire hydrants shall be provided when any portion of any structure exceeds 150 feet from a water supply on a public street.

All hydrants must be installed, working and inspected by the Public Works Department before any combustible materials can be placed at the worksite.

Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards. (maximum 300 feet)

Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.

The City standard fire hydrant is the Residential, James Jones #J3765, or an equivalent approved by the Fire Marshal.

Fire Hydrants are to be painted by the developer, contractor, etc., prior to the final inspection. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.

WATER SUPPLY:

Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire flow is based on the type of construction and the size of the building. 1500 gallons/minute for 2 hours is the minimum flow required. Fire flow may be adjusted upward where conditions indicate an unusual susceptibility to fire.
FIRE DEPARTMENT ACCESS:

Shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.

Minimum clearances or widths may be increased when the minimum standards are not adequate for Fire Department access.

Surfaces shall be designed and maintained to support the imposed loads of fire apparatus (65,000gfw). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be placed and meet the above standard before any combustible materials can be delivered to the site.

Minimum unobstructed width shall be 20 feet.

Minimum unobstructed vertical clearance shall not be less than 13 feet 6 inches.

Minimum turning radius shall be 42 feet.

All dead-end access roads in excess of 150 feet shall have approved provisions for turning around of fire apparatus.

Cul-de-sacs shall not exceed 600 feet in length.

Maximum grade shall be established by the Fire Department.

Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access.

Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus.

The requirements for this segment are covered in UFC Article 9.

A “Knox” box will be required for Fire Department access for each unit.

PREMISES IDENTIFICATION:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial – 6 inch minimum sized numbers
SPARK ARRESTORS:

Chimneys used in conjunction with fireplaces or heating appliances, in which solid or liquid fuel is used, shall be maintained with an approved spark arrester.

FIRE EXTINGUISHING EQUIPMENT FOR PROTECTION OF KITCHEN GREASE HOODS AND DUCTS.

An approved fire-suppression system shall be provided for the protection of commercial type food heat-processing equipment.

Three (3) sets of plans and a copy of the manufacturer’s installation manual are required.

FLAMMABLE LIQUID:

The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with UFC Article 79 and UBC Section 307.

Underground tank installation requires three (3) sets of plans approved by the Riverside County Health Department Hazardous Material Division. The Fire Department will inspect the product lines and supervise the test thereof.

Above ground tanks may be approved for non-commercial use in certain zones by the Fire Marshal. Only above ground tanks that are UL listed, provide two (2) hour firewall protection, and which exceed 110% minimum interstitial, or 150% exterior containment, shall be considered.

SPRAY FINISHING:

Spray Booth/Spray Room/Spray Area shall conform to the provision of Article 45 of the UFC Article 45, UBC Section 307, and all other state and local laws, ordinances and regulations.

INSPECTIONS:

Inspections shall be requested a minimum of forty-eight (48) hours prior to the time the required inspection is needed.

Fee for each inspection is $118.00 per hour per person.

Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.
HAZARDOUS MATERIALS:

The storage, dispensing, use or handling of hazardous materials during construction shall be in accordance with the provisions of UFC Article 80 and UBC Section 307 in addition to all federal, state and local laws or ordinances.

Business Plans may be required per SB 2186 and 2187 including MSDS HMMP and RMPP.

OTHER REQUIREMENTS:

The east and west sides of the Buildings A&B and the west side of Building D must have red stripes painted on the road by the wall and signs posted reading “No Parking Fire Lane” where readily visible.

Automatic fire sprinkler systems are required in all of the buildings.
STAFF REPORT
PLANNING COMMISSION

DATE: JUNE 19, 2007

CASE NO'S: LOT SPLIT #07-4502 FOR TENTATIVE TRACT MAP NO. 34330

REQUESTS: RECOMMEND APPROVAL OF A TENTATIVE TRACT MAP TO SUBDIVIDE THE BELOW MENTIONED 6 PARCELS INTO 20 PARCELS WITHIN THE DEUTSCH PROPERTY SPECIFIC PLAN FOR CONVEYANCE AND FINANCING PURPOSES ONLY.


APPLICANT: PARDEE HOMES

SURROUNDING USES/ZONING: NORTH: VACANT AND GOLF COURSE/OPEN SPACE - PARKS, LOW DENSITY RESIDENTIAL
SOUTH: WILSON STREET, HOSPITAL/PUBLIC FACILITIES, COMMERCIAL OFFICE
WEST: HIGHLAND SPRINGS AVENUE, EXISTING SINGLE FAMILY HOMES/CITY OF BEAUMONT
EAST: EXISTING SINGLE FAMILY HOMES, VACANT/LOW DENSITY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15060(c)(2) AND 1506(b)(3).

BACKGROUND:

Project Location

The proposed map is located on the Pardee land holding that is approximately 1,528 acres in size, which is located on the northeast corner of Highland Springs Avenue and Wilson Street. The site is vacant and used for grazing purposes.
Project History

In 1985 the City of Banning adopted the Deutsch Specific Plan (Plan), which was later amended in 1992. The Plan approved the development of a mixed-use, internally oriented community with an 18 hole golf course amenity as the central theme. The Plan approved a variety of residential types and densities (from 2.5 du./ac. to 20 du./ac.), commercial uses, parks and schools.

Project Description/Analysis

The applicant proposes to subdivide the existing 6 parcels into 20 to create a tentative map for conveyance and financing purposes only. The parcels created by this subdivision would not be developable parcels. The map lacks the roadways and other details legally required and necessary to develop the property.

It is important to note that when the subject property is developed, it must be developed in accordance with the approved Deutsch Specific Plan in regard to the golf course configuration, roadways, specific plan designations and any and all physical plans and requirements of the approved Deutsch Specific Plan. Tentative maps for the purpose of developing the specific plan would also need to be approved subsequent to this map, and the development of those tract maps would need to be consistent with the approved specific plan regardless of the ownership conveyed by the subject map under consideration.

To put it another way, this conveyance map in no way supersedes the Deutsch Specific Plan and its current configuration of districts, roadways and golf course nor can it affect the future development of the land upon which the parcels are created. In no way is the city obligated to approve subsequent specific plans or any other development proposals based on the configuration of the parcels created by this conveyance map.

Another purpose of this map is to create a parcel for the electrical substation (Lot 19) so that it can be conveyed to the city, which, as it is to be used for a utility, is exempt from the subdivision map act requirements. It is a condition of this map that lot 19 be conveyed to the City for use as an electrical substation.

Since this map is not for development purposes there are only a few other conditions attached to it besides the standard engineering requirements.

Environmental Review

This project is exempt under CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment pursuant to CEQA section 15061(b)(2) and it does not have the potential for causing a significant effect on the environment, and because the map is not for construction, and is for conveyance and financing purposes only, it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment pursuant to section 1506(b)(3).
Furthermore, CEQA Guidelines section 15182(a) implements another exemption by providing that, "Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section." CEQA Guidelines section 15182(b) provides that land subdivisions are residential projects and are therefore included in this section. Here, the proposed Tentative Tract Map is consistent with the Specific Plan the EIR for which was certified by the Banning City Council on October 26, 1993 by Resolution No.1993-134. No changes have occurred that would subject this map approval to the provisions of Public Resources Code section 21166. Moreover, because the proposed Tentative Tract Map is being created "for conveyance and financing purposes only," there are no environmental impacts associated with approval of this proposed map.

Findings:

Findings can be made to approve the Tentative Map and are included in the Resolution of approval.

Public Notice

This proposal was advertised in the Press Enterprise newspaper June 8, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

RECOMMENDATION:

That the Planning Commission:

Recommend Approval to the City Council of Resolution No. 2007-29, approving, Tentative Tract Map 34330 and Lot Split #07-4502, based on the findings and conditions of approval.

Respectfully submitted,

Kim Clinton
Senior Planner

Exhibits:
1. Resolution No. 2007-29, with Conditions of Approval
2. Tentative Tract Map 34330.
3. Tentative Tract Map 34330-Large Version (Previously Distributed)
LOT SPLIT #07-4502
TTM #34330

RESOLUTION
NO. 2007-29

EXHIBIT "1"
RESOLUTION NO. 2007-29


WHEREAS, an application for Tentative Tract Map. 34330 (LS #07-4502) has been duly filed by:

Applicant / Owner: Pardee Homes
Authorized Agent: Gregory J. Holman
Project Location: Northeast corner of Highland Springs Avenue and Wilson Street,
Lot Area: 1,528 acres
Application Complete: May 10, 2007

WHEREAS, the Municipal Code allows for a tentative tract map to subdivide 6 parcels into 20 parcels within the Deutsch Specific Plan FOR CONVEYANCE AND FINANCING PURPOSES ONLY, subject to the approval of a Tentative Tract Map; and

WHEREAS, the Planning Director has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines 15060(c)(2) ;15061(b)(3) and 15182(a), and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

WHEREAS, on June 8, 2007 the City gave public notice as required under Government Code Section 66451.3 by mailing notice to property owners within 300 feet of the project and by publishing a public notice in the Press Enterprise newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has provided the applicant and each tenant on the subject property with a copy of the Planning Department’s report and recommendation to the Planning Commission at least three (3) days prior to the below referenced noticed public hearing; and

PC Resolution No. 07-29
TTM 34330 Pardee Conveyance map
WHEREAS, on June 19, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated June 19, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA:

   (a) The project is exempt from CEQA under CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) and 15182(a) in that Tentative Tract Map No. 34330 has 20 proposed lots covering the 1,527 acre existing Specific Plan area. A statement on the map indicates that "Lots created by this map are for conveyance and financing purposes only, not for construction." There is no grading associated with this proposed map. Government Code section 65457 creates an exemption under the California Environmental Quality Act (CEQA) for "any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980...." CEQA Guidelines section 15182(a) implements this exemption by providing that, "Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section." CEQA Guidelines section 15182(b) provides that land subdivisions are residential projects and are therefore included in this section. Here, the proposed Tentative Tract Map is consistent with the Specific Plan the EIR for which was certified by the Banning City Council on October 26, 1993 by Resolution No.1993-134. No changes have occurred that would subject this map approval to the provisions of Public Resources Code section 21166. Moreover, because the proposed Tentative Tract Map is being created "for conveyance and financing purposes only," there are no environmental impacts associated with approval of this proposed map. CEQA Guidelines section 15060(c)(2) provides that a proposed project is not subject to CEQA if it "will not result in a direct or reasonably foreseeable indirect physical change in the environment." Likewise, CEQA Guidelines section 15061(b)(3) provides that a project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment. Therefore, this proposed project is also exempt from CEQA pursuant to CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).
2. **Multiple Species Habitat Conservation Plan (MSHCP):** The project is found to be consistent with the MSHCP. The project will not result in any development or physical changes to the land.

**SECTION 2. MAP ACT FINDINGS**

In accordance with Banning Municipal Code § 22-27 and Government Code § 66473.1, § 66473.5 and § 66474, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department’s staff report and all documents incorporated by reference therein, the City’s General Plan, Deutsch Specific Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City’s Single Family Residential / Multi-Family Residential / Commercial / Design Guidelines and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. Tentative Tract Map 34330 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Deutsch Specific Plan in that: It is for financing and conveyance purposes only and the above mentioned plans will not be modified, affected or implemented through the approval and recordation of this map.

2. Tentative Tract Map 34330, together with the design of the proposed subdivision, is consistent and compatible with the objectives, policies, general land uses, and programs specified in the Deutsch Specific Plan SP1992-03 in that: The Deutsch Specific Plan takes precedence over the proposed Tentative Tract Map 34330, which is for financing and conveyance purposes only. The map configuration has no applicability in terms of development. Tentative tract maps for development purposes will be approved prior to physical development of the property.

3. The design and improvement of the subdivision proposed under Tentative Tract Map is consistent with the City’s General Plan in that: The previously approved Deutsch Specific Plan takes precedence over the proposed Tentative Tract Map 34330, which is for financing and conveyance purposes only. The map configuration has no applicability in terms of development. Tentative tract maps for development purposes will be approved prior to physical development of the property.

4. The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards: No construction activities are associated with this map, which is for financing and conveyance purposes only. No development can occur in conjunction with this map, and no development entitlements are approved in association with this proposal.

5. The site is physically suitable for the type of development proposed under Tentative Tract Map 34330, in that: the acreages and exterior boundaries of the proposed map are consistent with the site acreage and boundaries.
6. The site is physically suitable for the density of development proposed under Tentative Tract Map 34330, in that: no densities or development is proposed or entitled through the approval of this map.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 34330, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that: This map is for financing and conveyance purposes only. No development can occur in conjunction with this map, and no development entitlements are approved in association with this proposal.

8. The design of the subdivision and improvements proposed under Tentative Tract Map 34330, is not likely to cause serious public health problems in that: This map is for financing and conveyance purposes only. No development can occur in conjunction with this map, and no development entitlements are approved in association with this proposal.

9. The design of the subdivision and improvements proposed under Tentative Tract Map 34330, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that: This map is for financing and conveyance purposes only. No development can occur in conjunction with this map, and no development entitlements are approved in association with this proposal.

10. The design of the subdivision proposed Tentative Tract Map 34330, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that: This map is for financing and conveyance purposes only. No development can occur in conjunction with this map, and no development entitlements are approved in association with this proposal.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby recommends that the City Council take the following actions:

1. **Notice of Exemption.** In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption for the project under CEQA Guidelines Sections 15060(c)(2); 15061(b)(3) and 15182(a) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. **Approve Tentative Tract Map.** Tentative Tract Map 34330 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit "A".
PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-29, was duly recommended for adoption to the City Council by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: TENTATIVE TRACT MAP 34330 – LOT SPLIT #07-4502

SUBJECT: TENTATIVE TRACT MAP FOR FINANCING AND CONVEYANCE PURPOSES ONLY TO SUBDIVIDE 6 PARCELS INTO 20 PARCELS ON 1528 ACRES WITHIN THE DEUTSCH PROPERTY SPECIFIC PLAN (SP 1992-00).

APPLICANT: PARDEE HOMES


APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. A copy of the signed Resolution of Approval or Community Development Director’s letter of approval, and all Standard Conditions, shall be included in legible form on all maps submitted for plan check.
B. Time Limits

1. This tentative tract map shall expire, unless extended by the Planning Commission, unless a complete final map is filed with the City Engineer within 2 years from the date of the approval.

C. Site Development

1. This map is for financing and conveyance purposes only. No development entitlements are associated with tentative map 34330. The site shall be developed and maintained in accordance with the approved Deutsch Specific Plan SP1999.

2. Prior to recordation of the map, lot 19 as shown on the approved tentative map shall be dedicated to or acquired by the city for use as an electrical substation.

3. Any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

The Department of Public Works recommends the following Conditions of Approval for Tentative Tract Map 34330. Unless stated otherwise, all conditions shall be completed by the Developer at no cost to any Government Agency.

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

D. General Requirements

1. No development or improvement of any portion of this map shall be permitted until a subdivision map is recorded in accordance with Government Code Section 66411 et al for the subdivision described in this map. This statement shall be included on the final map.

2. Tentative maps shall contain all that information listed in the Subdivision Map Act and Section 22 of the Banning Municipal Code. This information shall include existing and proposed contours with approximate grades; and, the location and width of watercourses or areas subject to inundation from floods, or location of structures, irrigation ditches and other permanent physical features.

3. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval.
4. Revisions to the approved tentative map made during plan check including, but not limited to, changes made to lot lines, easements, boundaries, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.
LOT SPLIT #07-4502
TTM #34330

TENTATIVE TRACT MAP 34330

EXHIBIT “2”
DATE: JUNE 19, 2007

CASE NO: DESIGN REVIEW #06-7509

REQUESTS: DEVELOPMENT OF A 49-UNIT, FIVE BUILDING, TWO STORY APARTMENT COMPLEX WITH UNDERGROUND PARKING

LOCATION: LOCATED ON THE NORTH SIDE OF WILLIAMS STREET, APPROXIMATELY 300 FEET EAST OF ALESSANDRO ROAD. APN 541-103-024 & 025.

APPLICANT: GLOBAL PREMIER DEVELOPMENT INC.

SURROUNDING ZONE/USES: NORTH-MULTI-FAMILY DWELLINGS-HIGH DENSITY RESIDENTIAL
SOUTH - VACANT-DOWNTOWN COMMERCIAL
EAST-SINGLE-FAMILY DWELLING-HIGH DENSITY RESIDENTIAL
WEST-VACANT- LOW DENSITY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE BANNING COMMUNITY DEVELOPMENT DEPARTMENT HAS COMPLETED AN ENVIRONMENTAL ASSESSMENT FOR THE REFERENCED CASE. BASED ON THIS ASSESSMENT, THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT, WHILE THE PROPOSED PROJECT COULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, THE POTENTIAL FOR SUCH IMPACTS CAN BE MITIGATED TO LESS THAN A SIGNIFICANT LEVEL THROUGH MEASURES INCORPORATED INTO THE PROJECT APPROVAL. ACCORDINGLY, A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED AND IS RECOMMENDED FOR ADOPTION.
BACKGROUND:

Project Location:

The project site is located on the north side of Williams St., approximately 300 feet east of Alessandro Rd., is zoned High Density Residential, 2.3 acres in size, vacant, rectangular in shape, and slopes from the northern property line to Williams Street, (approximately 7 foot change in elevation). The property immediately to the east contains a single family residence, zoned High Density Residential; to the south, is a vacant lot, zoned Downtown Commercial; to the north, is High Density Residential; and to the west, is a vacant lot, zoned Low Density Residential.

Project Description:

The project proponent proposes to develop an apartment complex consisting of 5 two-story buildings totaling 48,400 sq. ft and containing 49 units. The design will be a classic California contemporary style that will utilize earth-tone stucco exterior, stone veneer, metal awnings, brown colored roof and metal railings. Three unit types are proposed, ranging in size from 950 sq. ft. to 1,240 sq. ft.; these units will contain two and three bedrooms. All the units will be affordable to very low and low income households.

The project will consist of and include an underground parking lot with 127 spaces. Access to the parking lot will be from Williams Street. The project will also include a landscaped perimeter road around the complex that will be used for emergency vehicle access and trash service. In addition, the project will contain a two-story recreation building that will house an office, recreation center and a managers unit. A podium deck (terraced landscaped open space) will be centrally located on the property.

Findings:

Findings can be made to approve the Mitigated Negative Declaration and Design Review application, and are included in the Resolution of Approval.

Public Notice

This proposal was advertised in the Press Enterprise newspaper June 8, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

ANALYSIS:

The proposed design is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. Based on these provisions, the following analysis of the project is provided:
General Plan

The General Plan land use designation for the site is “High Density Residential” which allows multi-family dwellings with densities from 11 to 18 dwelling units per acre. This development proposes an apartment complex with up to 49 units at a density of approximately 21 units per acre. The additional units are allowed by the City’s Density Bonus provisions if such units are specifically designated for lower income households. In this case all the units will accommodate very low and low income households.

The General Plan Housing Element Goal No. 1 allows a 25% density bonus pursuant to State law, if the developer allocates at least 20% of the units in a housing project to lower income households, 10% for very low income households, or at least 50% for “qualifying residents” (e.g. senior citizens). In addition, the developer must also agree to, and the City shall ensure, the continued affordability of all density bonus units for a minimum 30-year period. This project comports with the goal of the General Plan because the developer is only requesting an 18% bonus density for low and very low income households. The proposed development serves to achieve this by allocating the units to lower income households (low and very low income households) for a period of 30 years. Condition of Approval No. A4 in Resolution No. 2007-28 requires the applicant to enter into an agreement with the City to maintain an affordable covenant for these units.

The General Plan also requires that the City either: a) grant a density bonus of 25% along with one regulatory concession (e.g. parking allowances, setback relief or reduced fees) to ensure that the housing development will be produced at a reduced cost, or b) provide other incentives of equivalent financial value based upon the land cost per dwelling unit. As of this writing, the applicant has not requested regulatory concessions; rather, the applicant is requesting financial concessions from the Redevelopment Agency. The request is under review.

Zoning Code

Zoning Code Designation is High Density Residential which allows for multi-family dwellings. In terms of developments standards, the Zoning ordinance requires the following:

1. All multi-family developments with more than ten units shall provide 30% useable open space for active and passive recreational uses. As defined, the project provides 40% open space.

2. Every dwelling unit shall have a patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, whichever is less. The applicant provides patio or balcony space equivalent to 25% of the dwelling unit size.

3. All multi-family developments shall provide recreational amenities within the site such as a: swimming pool; spa; clubhouse; tot lot with play equipment; court game facilities for tennis, basketball or racquetball; improved softball or baseball fields; or day care
facilities. The type of amenities shall be approved by the Community Development Director and provided according to the following schedule:

<table>
<thead>
<tr>
<th>Units Range</th>
<th>Amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10 units</td>
<td>1 amenity</td>
</tr>
<tr>
<td>51 to 100 units</td>
<td>3 amenities</td>
</tr>
<tr>
<td>101 to 200 units</td>
<td>4 amenities</td>
</tr>
<tr>
<td>201 to 300 units</td>
<td>5 amenities</td>
</tr>
<tr>
<td>Above 300 units</td>
<td>1 amenity for each 100 additional units or fraction thereof.</td>
</tr>
</tbody>
</table>

For the 49 units, the applicant provides a tot lot, clubhouse and a picnic area. These amenities meet the zoning code provision.

4. Off street parking spaces for multi-family residential developments shall be located within 150 feet from the front or rear door of the dwelling for which its parking space is designated. As designed, the underground parking area will be accessed from either stairs or an elevator that is located directly under the proposed units.

5. Each dwelling unit shall be provided at least 150 cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit. Staff has incorporated Condition of Approval E. #2 that will require the applicant to comply with this provision.

6. Driveway approaches within multi-family developments of more than ten units shall be delineated with interlocking pavers, rough textured concrete, or stamped concrete and landscaped medians. As the project is designed, there is no enhancement at the driveway approaches. Staff has added Condition of Approval E. #1 that will require the applicant to incorporate enhancements at the driveway approaches.

7. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building code shall be provided. The proposed project complies with this provision; the laundry facilities are located on each floor.

8. Every dwelling unit shall be plumbed and wired for a washing machine and a dryer. The floor plans for each unit illustrate stacked washer and dryers; the project complies with this requirement.

9. For multi-family developments of over ten units, security and management plans shall be submitted for review and approval. The applicant has not complied with this provision; therefore, staff has incorporated Condition of Approval E. #3 that will require a security and management plan that will be reviewed by staff, including the Police Department.

The project also conforms to the following zoning requirements:

- Minimum front yard setback (15' provided versus 15' required);
• Minimum rear yard setback (30’ provided versus 10’ required);
• Minimum side yard setback (30’ provided versus 5’ required);
• Maximum lot coverage (40% proposed versus 40% maximum allowed); and
• Parking space requirements (126 parking spaces required, 127 spaces proposed).

Lastly, the project is also governed by Section 9102.03 (C) which pertains to the Density Bonuses. The Zoning code allows bonuses to increase the density of the underlying zoning code up to 35% above and beyond the maximum permitted by Code as long as additional units are provided to very low and low income households. More specifically, the Code indicates that the applicant for housing development shall be granted a density bonus, as provided in this section, by the Planning Commission if the housing development meets the following qualifications:

a) The applicant has made a written request for grant of a density bonus with its application for housing development; and
b) The housing development contains at least the minimum qualifying number of affordable housing units required under this Section and the applicant agrees to the affordability covenants required under this Section as conditions of approval on the housing development.

The applicant has complied with the above-listed provisions in that an application has been filed for the density bonus to develop very low and low income apartments; all the units will be available to low and very low income households; and has agreed to maintain those units affordable via property covenants for a 30 year period.

Access:

The proposed project will result in the construction of a 49-unit apartment complex. These apartments have the potential to generate approximately 329 average daily trips, 27 of which will be during the morning peak hour, and 26 of which will be during the evening peak hour. The proposed project is consistent with the General Plan designation assigned to the site, and therefore was considered in the General Plan EIR traffic impact analysis. In that document, traffic in this area of the City at General Plan build out was not expected to significantly impact surrounding roadways.

Williams Street is designated as a Collector Highway by the General Plan EIR with 7,000 Daily Traffic Volume at build out between San Gorgonio Avenue and Hargrave Street. Therefore, traffic levels on Williams Street from San Gorgonio Avenue to Hargrave Street at General Plan build out are expected to result in Level of Service C or better. In that document, traffic in this area of the City at General Plan build out was not expected to significantly impact surrounding roadways. Therefore the implementation of the project will not exceed acceptable levels of service on the adjacent streets.
Landscaping:

Staff has communicated to the applicant the need to make changes to the landscaping plan to be consistent with the requirements and guidelines of the zoning ordinance. The proposed condition of approval requires that the applicant works with staff to further develop the landscape plan to be consistent with City requirements listed in 9102.05 and 9108.03 of the Zoning Ordinance.

RECOMMENDATION:

That the Planning Commission:

1. Approve Resolution No. 2007-27: Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Development of a 49-Unit, two story Apartment complex, with underground Parking; located at 315 E. Williams St., east of Alessandro Rd;

2. Approve Resolution No. 2007-28: Approving Design Review #06-7509, based on the findings and conditions of approval (Attachment “1”) and incorporated by reference; and

3. Approve Resolution No. 2007-30: Approving Bonus Density, based upon findings.

Respectfully submitted,

Norm Canchola
Associate Planner

Exhibits:

1. Resolution No. 2007-27, with MND and MMP.
2. Resolution No. 2007-28 with Conditions of Approval
3. Resolution No. 2007-30
4. Plans (Previously Distributed)
DESIGN REVIEW
# 06-7509

SHADOW BROOKE APTS

RESOLUTION
NO. 2007-27

EXHIBIT "1"
RESOLUTION NO. 2007-27


WHEREAS, an application for development of a 49-unit, two story apartment complex has been filed by:

Applicant / Owner: Global Premier Development
Authorized Agent: Charles Hutchison
Project Location: 315 E. Williams St.
APN Number: 541-103-024, 025
Lot Area: 2.03 Acres

WHEREAS, the proposed 49-unit, two story apartment complex is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

WHEREAS, after completion of an Initial Study, the Community Development Department identified potentially significant effects on the environment, but that revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore, staff has proposed a Mitigated Negative Declaration and Mitigation Monitoring Program for this project; and,

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, Determination Page, and Technical Appendices; and

WHEREAS, on May 11, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on May 11, 2007 and closing on May 30, 2007, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Mitigated Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on June 19, 2007 at which it received public testimony concerning the project and the proposed
Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

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

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence within the meaning of Public Resources Code § 21080(c) and § 21082.2 within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act Public Resources Code Section 21000 et seq., the CEQA Guidelines 14 California Code of Regulations Section 15000 et seq. and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

5. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

6. Location: The Mitigated Negative Declaration, Mitigation Monitoring Program, and all documents incorporated therein or forming the record of decision therefore, shall be
filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

1. Adopt MND: The Mitigated Negative Declaration (attached hereto) for of the development of a 49 unit, two story apartment complex, is hereby approved and adopted.

2. Adopt MMP: The Mitigation Monitoring Program (attached hereto) for the Mitigated Negative Declaration is hereby approved and adopted.

3. Notice of Determination: In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Community Development Department shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-27, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
Environmental Checklist Form

1. Project title: Shadow Brooke Apartments – Design Review 06-7509

2. Lead agency name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

3. Contact person and phone number: Norm Canchola
   951-922-3125

4. Project location: North side of Williams Street, 300 feet east of Alessandro Road.
   APNs 541-103-025 & 541-103-024.

5. Project sponsor's name and address: Global Premier Development, Inc.
   5 Park Plaza, Suite 980
   Irvine, CA 92614

6. General plan designation: High Density Residential 11-18du/ac

7. Zoning: High Density Residential 11-18du/ac

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   Design Review of a 2.03-acre vacant site for a 49-unit, 5-building, 2-story apartment complex, with a recreation building and 135 required parking spaces, of which 122 parking spaces will be subterranean. Sewer and water mains are to be extended from adjacent Williams Street to the south. Architecture will be in the California Contemporary style.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

   North: Single-Family Homes/Low Density Residential
   South: Vacant, Post Office/Downtown Commercial, Public Facilities
   West: Single-Family Homes/Low Density Residential
   East: Apartments/High Density Residential

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

    Regional Water Quality Control Board
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- Agriculture Resources
- Air Quality
- Soil Geology
- Land Use / Planning
- Recreation
- Population / Housing
- Transportation / Traffic
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

---

Signature  

Date  

236
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.
<table>
<thead>
<tr>
<th>I. AESTHETICS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Aerial photograph)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

I. a) The project site is currently vacant, with no known or historically observable structures. The site is located on relatively flat land, with a slight 1.5 percent slope towards the south-southeast. The site elevation is approximately 2,350 feet above sea level. The site has no scenic resources within its boundaries. The site is located south of the hillsides of the San Bernardino Mountains, and several miles north of the San Jacinto Mountains. The construction of the apartment complex will result in 49 units in 5 separate 2-story buildings on a 2.03 acre parcel. Views from the existing surrounding residences to the west, north, and east will be affected by the construction of the proposed project. However, existing development is not oriented to the proposed project, and residents for the north, west and east will still have views of the mountains to the north and south, over and around the proposed project. Impacts associated with aesthetics are expected to be less than significant in the existing urbanized area.

b) There are no significant trees, rock outcroppings or historic structures on the subject site.

c) The project will change the view for surrounding properties from vacant to a 2-story apartment complex. However, the site is located in the area of existing two story apartments, located to the east of the site, and as the subject site is located within an existing urbanized area, the project will have a less than significant impact on the visual character and quality of the site and its surroundings.

d) The site is currently vacant, and does not generate any light. The addition of a 49-unit apartment complex on the property will result in an increase in light, due primarily to vehicle headlights and landscaping lighting. The City regulates lighting levels for all projects, to assure that the lighting on one site does not significantly impact adjacent...
properties. Car headlights will represent a temporary and periodic impact, which is not expected to be significant, given that the surrounding area is already built out.
<table>
<thead>
<tr>
<th>AGRICULTURE 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? (General Plan and EIR)</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

II. a) The proposed project site is currently vacant land surrounded by urban development. There are no agricultural lands adjacent to the proposed project. The development of the site will have no impact on agricultural resources.

b) The site is not in agriculture use, nor is there Williamson Act contracts on the land.

c) The site is not in agriculture use, nor are adjacent properties
<table>
<thead>
<tr>
<th>III. AIR QUALITY: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (SCAQMD CEQA Handbook)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (SCAQMD CEQA Handbook)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, Aerial Photo, site inspection)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people? (Project Description)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

III. a)-d)) The proposed project will generate dust during construction. It can be expected that the site will be mass graded, resulting in the generation of 53.6 pounds per day of fugitive dust, for a limited period while grading operations are active. This would not exceed the SCAQMD threshold for fugitive dust. This represents a less than significant impact.

In addition, the grading of the proposed project will require the use of heavy equipment. Table 1, below, estimates the emissions from that equipment.
Table 1
Grading Equipment Emissions
(pounds per day)

<table>
<thead>
<tr>
<th>Equipment</th>
<th># Pieces</th>
<th># hrs/day</th>
<th>CO</th>
<th>ROC</th>
<th>NOx</th>
<th>SOx*</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crawler Tractors</td>
<td>1</td>
<td>8</td>
<td>10.35</td>
<td>1.45</td>
<td>11.62</td>
<td>1.12</td>
<td>0.53</td>
</tr>
<tr>
<td>Scrapers</td>
<td>1</td>
<td>8</td>
<td>29.62</td>
<td>3.64</td>
<td>24.59</td>
<td>3.68</td>
<td>1.08</td>
</tr>
<tr>
<td>Tractor/Loader/Backhoe</td>
<td>2</td>
<td>8</td>
<td>9.28</td>
<td>1.30</td>
<td>10.42</td>
<td>2.29</td>
<td>0.48</td>
</tr>
<tr>
<td>Rubber Tired Dozer</td>
<td>0</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Motor Graders</td>
<td>1</td>
<td>8</td>
<td>14.98</td>
<td>1.76</td>
<td>11.00</td>
<td>0.72</td>
<td>0.45</td>
</tr>
<tr>
<td>Off-Highway Trucks (Water Trucks)</td>
<td>1</td>
<td>8</td>
<td>30.62</td>
<td>3.60</td>
<td>22.48</td>
<td>1.12</td>
<td>0.92</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td>94.85</td>
<td>11.75</td>
<td>80.11</td>
<td>8.93</td>
<td>3.46</td>
</tr>
<tr>
<td><strong>SCAQMD Thresholds of Significance</strong></td>
<td></td>
<td></td>
<td>550.0</td>
<td>75.0</td>
<td>100.0</td>
<td>150.0</td>
<td>150.0</td>
</tr>
</tbody>
</table>

As shown in Table 1, emissions during grading will not exceed SCAQMD thresholds. Impacts are expected to be less than significant.

The primary source of air pollution in the City is the automobile. The proposed development will ultimately result in the construction of 49 apartment units, which could generate up to 329 trips per day. Based on this traffic generation, and an average trip length of 15 miles, the following emissions can be expected to be generated from the project site.

Table 2
Air Quality Calculations
Moving Exhaust Emission Projections at Project Buildout
(pounds per day)

<table>
<thead>
<tr>
<th>Total No. Vehicle Trips/Day</th>
<th>Ave. Trip Length (miles)</th>
<th>Total miles/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>329</td>
<td>15</td>
<td>4,935</td>
</tr>
</tbody>
</table>

Pollutant

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>CO</th>
<th>NOx</th>
<th>ROG</th>
<th>SOX</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pounds</td>
<td>58.2</td>
<td>6.1</td>
<td>6.3</td>
<td>0.0</td>
<td>0.6</td>
</tr>
<tr>
<td>SCAQMD Daily Threshold</td>
<td>550.0</td>
<td>100.0</td>
<td>75.0</td>
<td>150.0</td>
<td>150.0</td>
</tr>
</tbody>
</table>

URBEBMIS Version 2.2
Scenario Year 2008 – Model Years 1965 to 2008

<table>
<thead>
<tr>
<th>Pollutant – Vehicle</th>
<th>CO</th>
<th>NOx</th>
<th>ROG</th>
<th>SOX</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollutant – Vehicle</td>
<td>0.012</td>
<td>0.001</td>
<td>0.001</td>
<td>0.000</td>
<td>0.000</td>
</tr>
</tbody>
</table>

Source: “Highest (Most Conservative) EMFAC 2002 version 2.2,” Emission Factors for On-Road Vehicles, projects in the SCAQMD (Scenario Years 2003 - 2025), Emission Factors for On-Road Vehicles, Passenger Vehicles (<8500 pounds), Delivery Trucks (>8500 pounds), prepared by South Coast Air Quality Management District, April 2003.

Table 2 demonstrates that the proposed project will not exceed any of SCAQMD’s recommended daily thresholds at buildout of the apartments. The project’s potential

---


-9-
impacts to air quality generated by vehicle emissions are therefore expected to be less than significant.

III. e) The project will consist of apartments and will not result in objectionable odors.
<table>
<thead>
<tr>
<th>IV. BIOLOGICAL RESOURCES -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat 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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (General Plan)</td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
IV. a)-f) The Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) has not identified any portion of the project area for preservation. The project site is not located in a criteria area or a corridor area, as defined by the MSHCP. There are no wetlands or riparian areas identified on the site.

The site is likely used by common species for foraging habitat. Soils on the project site consist of Gorgonio gravelly loamy fine sand, and are not composed of the clays required for appropriate habitat for Marvin’s onion or many-stemmed dudleya. The project site may provide appropriate habitat for burrowing owl, although the lack of perches on the property may limit this potential. The species is a species of concern, and impacts to it during construction would be significant. In order to assure that impacts to burrowing owl are less than significant, the following mitigation measure shall be implemented:

1. Prior to any ground disturbance on the property, and within 30 days of such disturbance, a protocol compliant burrowing owl survey shall be completed on the property by a qualified biologist. Should the species be identified, the biologist shall prepare recommendations, including avoidance measures or relocation, to the satisfaction of the City and the California Department of Fish and Game. No ground disturbing activities shall occur on the site until such time as all required mitigation has been completed.

With implementation of this mitigation measure, impacts associated with biological resources will be less than significant.
### V. CULTURAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b)</td>
<td>Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c)</td>
<td>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d)</td>
<td>Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

#### V. a) The site is vacant, and contains no known historic resources. No impacts are expected to result from implementation of the proposed project.

b) The subject site contains no known archaeological resources. The site is in an area of low probability for archeological resources. No impacts are anticipated.

c) The subject site contains no known paleontological resource or unique geologic feature. The soils in this area are not of an age to generate such resources. No impacts are expected.

d) The subject site contains no known human remains. The site is not known to have been a site of any burials. State law requires that the project proponent, and his contractors, report any human remains, if they were to be found during project construction. The requirements will assure that law enforcement officials would properly dispose of any remains, should they be identified.
VI. GEOLOGY AND SOILS -- Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iv) Landslides? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

VI. a) The site is subject to moderate to strong ground shaking due to potential fault movements along the San Gorgonio Pass Fault located approximately 1 mile north of the site. Engineered design and earthquake-resistant construction are the common solutions to increased safety and development of seismic areas. Extra attention needs to be given to the proposed underground parking under the buildings. Seismic design factors using 2001 California Building Code will be required by the City for all structures within the project site, including the parking garage. These standards are designed to lower impacts associated with seismic ground shaking to less than significant levels.
Geotechnical studies were prepared to document site soils and geology. The site is located in a Moderate probability area for liquefaction, as defined by the General Plan (Exhibit III-14). Further, the geotechnical investigation documented ground water levels at 300 to 400 feet below the surface. As a result, liquefaction on the project site is not likely. The site is not located adjacent to hillsides, and is therefore not susceptible to rock fall. Soils at the site are not considered expansive.

b) The City can be subject to strong winds, which have the potential to erode soils during construction activities. Mitigation measures presented in the Air Quality section, above, are designed to mitigate these impacts to less than significant levels.

c) The site will also be subject to water erosion once construction commences. The City will require the implementation of Best Management Practices (BMPs) relating to the National Pollution Discharge Elimination System (NPDES) to control water erosion on the site. These BMPs are designed to assure that contaminants and pollutants are kept onsite, and not released into surface waters. These standards are designed to lower the potential impacts associated with water erosion to less than significant levels.

d) The subject site and the surrounding area are located in an area with slopes of gradients of approximately 1.5 percent, therefore there is no risk of landslide.

d) Soils in the City are not generally expansive. The geotechnical investigation found that soils on the site have a very low potential for expansion. The impacts are expected to be insignificant.

e) All structures within the proposed project will be required to connect to the City's sanitary sewer system. There will be no septic tanks.

Overall impacts associated with soils and geology are expected to be less than significant.

---

<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing)</td>
<td></td>
<td></td>
<td></td>
<td>X</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 result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</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 project area? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan MEA p. 95 fl)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Expose people or structures to a</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
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? (General Plan, Fire Setback standards)

VII. a) The development of residential units on the site will not result in and the storage, transport or use of significant amounts of hazardous materials. The City's solid waste hauler is required to comply with regional and state standards for the disposal of household hazardous materials.

b) The site is to be residential, thus will not release hazardous materials.

c) The site is to be residential, thus will not emit or handle hazardous materials or waste.

d) The site is not on a list of hazardous materials sites.

e) The site is 0.75 miles northwest of the Banning Municipal Airport. The only runway runs in an east-west direction to the south of the subject site, thus will have minimal effect other than occasional distant small airplane noises. No other airstrip occurs in the vicinity.

f) There are no private airstrips near the subject site.

g) The project would not interfere with an emergency response plan or emergency evacuation plan. The site is located on the City's existing street system, and proposes no change to that system.

h) The site occurs south of undeveloped hillsides, and in a High Fire Threat Zone (General Plan, Figure V-10). The site is located in the City's urban core, well away from wildlands. The Fire Department's weed abatement programs will serve to lower any potential impacts to less than significant levels.

Overall impacts associated with hazards and hazardous materials are expected to be less than significant.
### VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
<td></td>
<td>X</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 land uses or planned uses for which permits have been granted)? (Water Master Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (General Plan)</td>
<td></td>
<td>X</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 a manner which would result in flooding on- or off-site? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) 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? (FEMA Maps)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
VIII. a) The project will not violate any water quality standards or waste discharge requirements. The project will implement requirements of the NPDES to assure protection of surface waters. The project will be connected to the City’s wastewater treatment plant, which meets or exceeds wastewater discharge requirements.

b) Domestic water is supplied to the subject site by the City of Banning. The proposed project will result in the construction of 49 apartments on 2.03 acres. The City has prepared a Water Master Plan which indicates that it has sufficient water sources to accommodate the proposed project within the resources it currently has available. The City is also implementing water conservation, purchase and replenishment measures which will result in additional resources available in the long term. The project proponent will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water is utilized. The proposed project will be required to participate in any impact fees in place at the time of issuance of building permit for the acquisition of additional water sources or for the use of reclaimed water.

c) There are no streams or rivers on or near the subject site. An existing deep masonry ditch exists along the north side of Williams Street.

d) A preliminary hydrology study was prepared for the proposed project. The hydrology study determined that the natural drainage course is to the south towards Williams Street. The proposed project includes the conveyance of storm flows from the site to the proposed municipal storm drain system, to be located south of the proposed project. After development, it is estimated that the site will generate approximately 7.0 cubic feet per second (cfs) in a 100 year storm. The City Engineer will require that the hydrology for the site be approved prior to development occurring on the site, to assure that the system proposed will safely convey flows. This City requirement will assure that the impacts associated with storm flows on the site are reduced to less than significant levels.

e) The proposed project will increase the amount of impermeable surfaces on the site through the construction of apartment buildings, parking lots, and driveways. As discussed above, drainage from the subject site will flow into the City’s storm drain system, will not exceed the capacity of the system and will have less than significant impacts on the overall drainage system.

f) The site is not located within the boundary of a 100 year flood hazard zone. The site is designated by FEMA as being located in an area between the 100 year and 500 year flood.

g) The site is not located within the boundary of a 100 year flood hazard zone.

<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community? (Aerial photo)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Banning Municipal Code)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

IX. a) The project site is designated for the development proposed in the General Plan, and consistent with the Zoning designation for the property as well. The project site is vacant, and development of the site will not divide an established community.

b) The proposed project is consistent with the land use and zoning designations assigned to the site. The project proposes to use the density bonus provisions of the Zoning Ordinance to achieve a higher density. Such provisions are in place to assure that affordable housing developments can be feasibly constructed, while providing residents with adequate amenities and facilities. The project will be required to conform to these standards. The City’s Housing Element encourages the development of affordable housing through the provision of density bonuses. The project is therefore consistent with both the General Plan and the Zoning Ordinance.

c) The proposed project will be required to comply with the requirements of the Western Riverside MSHCP through the payment of fees.

Overall impacts associated with land use and planning are expected to be less than significant.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X. MINERAL RESOURCES -- Would the project:</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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

X. a) The project site is located in a MRZ-3 mineral resource zone, indicating that there is insufficient data to determine whether significant resources occur on the site. However, the property has been designated for urban development for a number of years, is located within Banning’s urbanized core, and would be inappropriate for the location of mining facilities. Overall impacts are expected to be insignificant.

b) There are no know important mineral resources located on the subject site.
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XI. NOISE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would the project result in:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) 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? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan)</td>
<td></td>
<td>X</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? (General Plan land use map)</td>
<td></td>
<td>X</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? (General Plan land use map)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XI. a) The proposed project site is located on the north side of Williams Street, approximately 300 feet east of Alessandro Road. The subject site is located south of a group of single family homes. There is some through-traffic in the area. Interstate Highway I-10 is located 0.25 miles south of the subject site, thus resulting in some noise from traffic on this roadway. Just south of I-10 is a significant railroad mainline, and occasional noise exists from multiple locomotives and horns in the distance.

Development of the proposed project will result in noise increases over current levels, primarily from vehicle trips generated by the residents of the project. The proposed project is consistent with the General Plan designation assigned to the property. As such
the potential noise impacts in the area were studied in the General Plan EIR. Noise levels for Williams Street are expected to be relatively low, since it is a collector street. Traffic levels in the area, which is mostly built out, will not increase significantly at build out of the General Plan. Units adjacent to Williams street will be located at least 20 feet from the roadway right of way, providing some distance to the noise source. In addition, the City will require that the project proponent demonstrate that interior and exterior noise levels will be maintained at acceptable levels with the submittal of building permits. Long term overall noise levels at the proposed development are expected to be less than significant.

b) The project is residential, and will not generate excessive groundborne vibration or groundborne noise levels.

c) As stated above, the residential development will generate some additional noise, primarily from traffic. Long term noise levels in the area of the City are not expected to increase significantly over current levels. The overall impact within the existing urbanized area is expected to be less than significant.

d) Construction of the proposed apartments will also generate noise. These noise levels are expected to be temporary and periodic, but will nonetheless impact the sensitive receptors located adjacent to the subject site. Construction equipment operation generates noise levels well in excess of the City's standards for sensitive receptors. Noise levels for the residences immediately adjacent to the property could be significant without mitigation. In order to assure that these noise levels are reduced to less than significant levels, the following mitigation measures shall be implemented:

1. Construction activities shall be limited to those hours prescribed in the Municipal Code.
2. All construction equipment, including heavy equipment, shall be muffled.
3. Construction staging and storage areas shall be located along the southern portion of the site.
4. Continuous grading activities along the northern and eastern boundary of the project site shall be limited to no more than 15 minutes within an hour.

With implementation of these mitigation measures, impacts associated with construction noise will be reduced to less than significant levels.

e) The subject site is located 0.75 miles northwest of the Banning airport. There is occasional background noise on the subject site from small airplanes. The single runway is located in an east-west direction. The subject site is located outside of both existing and future airport noise contour boundaries as defined in the General Plan (Exhibit III-27). Thus it is expected that the airport will not have a significant impact on the subject site.

f) The subject site is not located near a private airstrip.
XII. POPULATION AND HOUSING – Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong> 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)? (General Plan, application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>b)</strong> Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>c)</strong> Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XII. a) The project site is currently vacant, and will result in the construction of 49 apartment units will not induce growth in the community beyond that experienced in the City normally. It is estimated that the proposed project will result in approximately 127 residents. The development of residential uses will not induce population growth, and instead will be driven by population growth demands in the area. No impacts are expected.

b) The site is vacant, and construction of the project will not displace any housing.

c) The site is vacant, and construction of the project will not displace any people.
### XIII. PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools? (General Plan MEA)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other public facilities? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

XIII. a) The proposed project will be served by the City Police Department, and by the County Fire Department, under City contract. The construction of the apartments will increase property tax revenues to the City, and the disposable income of the residents will result in increased sales tax revenues. Both these sources will help to offset the costs associated with police services, fire services and general government. The City will require the payment of school impact fees, development impact fees and park in lieu fees when building permits are issued. The payment of these fees will offset the impacts to parks, schools, and City facilities, including roadways. Overall impacts associated with public services are expected to be less than significant.
XIV. RECREATION --

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</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? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XIV. a) The project residents will have access to City parks, but it is not expected that the estimated 127 residents of the project would significantly impact the park system. The project includes recreational facilities on site, including a common area building with barbeque and picnic facilities, to accommodate the needs of residents. The proposed project will be required to pay the parkland fee in place at the time of issuance of permits for the site. The fees are designed to assure that adequate parkland is provided throughout the community.

b) The proposed project does include a small recreation center which includes an outdoor picnic and barbeque area.

Overall impacts associated with recreation are expected to be less than significant.
<table>
<thead>
<tr>
<th>XV. TRANSPORTATION/TRAFFIC -- Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (General Plan)</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan)</td>
</tr>
<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? (No air traffic involved in project)</td>
</tr>
<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)? (Tentative Tract Map 32370)</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access? (Tentative Tract Map 32370)</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (Tentative Tract Map 32370)</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)</td>
</tr>
</tbody>
</table>

XV. a) The proposed project will result in the construction of 49 apartment units. These apartments have the potential to generate approximately 329 average daily trips, 27 of which will be during the morning peak hour, and 26 of which will be during the evening peak hour. The proposed project is consistent with the General Plan designation assigned to the site, and therefore was considered in the General Plan EIR traffic impact analysis.
In that document, traffic in this area of the City at General Plan build out was not expected to significantly impact surrounding roadways.

b) Williams Street is designated as a Collector Highway by the General Plan EIR with 7,000 Daily Traffic Volume at buildout between San Gorgonio Avenue and Hargrave Street. Therefore traffic levels on Williams Street from San Gorgonio Avenue to Hargrave Street at General Plan build out are expected to result in Level of Service C or better. In that document, traffic in this area of the City at General Plan build out was not expected to significantly impact surrounding roadways. Therefore the implementation of the project will not exceed acceptable levels of service on the adjacent streets.

c) The project will have no impact on air traffic.

d) The project will not increase hazards. The project is designed with a single limited access driveway and 90 degree intersections. The City Engineer will continue to review the project, and assure that the circulation design results in safe access and travel through the site and the adjacent streets. Access to the parking garage, including a second point of access if required by the Fire Department, will be approved by the Fire Department and the City Engineer prior to the issuance of building permits.

e) The Fire Marshall has, and will continue to review the project for adequate emergency access. Should a second point of access to the parking garage be required by the Fire Department, the project will be conditioned to provide it.

f) The project will not result in inadequate parking capacity. 135 on-site parking spaces will be provided by a combination of surface and underground parking, in conformance with the requirements of the Zoning Ordinance.

g) The project will not conflict with adopted policies, plans, or programs supporting alternative transportation. The site is not immediately adjacent to an existing bus route, however, service is available in close proximity to the site, on Ramsey Street.

Overall impacts associated with traffic and circulation are expected to be less than significant.
<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Master Plan)</td>
</tr>
<tr>
<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? (Tentative Tract Map 32370)</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Master Plan)</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>e) 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? (General Plan, Dept. of Public Works)</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (General Plan)</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan)</td>
</tr>
<tr>
<td>-</td>
</tr>
</tbody>
</table>
There are water, sewer, electric and other utilities in the immediate vicinity of the site. The City and other utility providers will collect connection and service fees for the provision of these utilities. These fees are structured to include the cost of developing additional facilities as growth occurs. The project will control on-site storm water to the satisfaction of the City Engineer. The City's solid waste franchisee requires that residential customers participate in recycling to reduce the generation of waste in the City, and will continue these programs. The construction of the proposed project is expected to have less than significant impacts on utility providers.
<table>
<thead>
<tr>
<th>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XVII. a) The proposed project has the potential to impact biological resources, and will be fully compliant with the MSHCP. Mitigation measures contained in this document assure that the proposed project’s impacts on biological resources will be less than significant.

XVII. b) The proposed project supports the long term goals of the General Plan, including the Housing Element, by providing affordable housing opportunities for City residents.

XVII. c) The proposed project is consistent with the General Plan vision for the property. As such, the project will not exceed cumulative impacts of General Plan build out.

XVII. d) The proposed project has the potential to adversely affect human beings, due to noise...
impacts. A number of mitigation measures to reduce the potential impacts of construction noise associated with build out of the project site are included in this document, which will lower potential impacts to less than significant levels.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

General Plan EIR.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Not applicable.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.
### CITY OF BANNING
### MONITORING PROGRAM FOR CEQA COMPLIANCE

<table>
<thead>
<tr>
<th>DATE:</th>
<th>May 9, 2007</th>
<th>ASSESSORS PARCEL NO.:</th>
<th>541-103-025 &amp; 541-103-024</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASE NO.:</td>
<td>Design Review 06-7509 Shadow Brooke Apts.</td>
<td>PROJECT LOCATION:</td>
<td>North side of Williams Street, 300 feet east of Alessandro Road.</td>
</tr>
<tr>
<td>EA/EIR NO.:</td>
<td></td>
<td>APPROVAL DATE:</td>
<td>In Process</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>Global Premier Development</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

THE FOLLOWING REPRESENTS THE CITY'S MITIGATION MONITORING PROGRAM IN CONNECTION WITH THE MITIGATED NEGATIVE DECLARATION FOR THE ABOVE CASE NUMBER

<table>
<thead>
<tr>
<th>SUMMARY MITIGATION MEASURES</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV. BIOLOGICAL RESOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare burrowing owl survey.</td>
<td>Planning Department</td>
<td>30 days prior to ground disturbance.</td>
<td>Approval of report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUMMARY MITIGATION MEASURES</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>XI. NOISE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limit construction to Municipal Code hours</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muffler all construction equipment</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staging and storage areas to be along southern property line.</td>
<td>Building Department</td>
<td>During construction</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuous grading along northern and eastern property line limited to 15 minutes per hour.</td>
<td>Building Department</td>
<td>During grading</td>
<td>Site inspection.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DESIGN REVIEW
# 06-7509

SHADOW BROOKE APTS

RESOLUTION
NO. 2007-28

EXHIBIT “2”
RESOLUTION NO.2007-28


WHEREAS, an application for Design Review No. 06-7509 was duly filed by:

    Applicant/Owner: Global Premier Development
    Authorized Agent: Charles Hutchison
    Project Location: 315 E. Williams St.
    APN Information: 541-103-024, 025
    Lot Area: 2.03 Acres

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review No. 06-7509 pursuant to Banning Municipal Code Section 9114; to develop a 49-unit, two story apartment complex; and,

WHEREAS, the applicant is requesting approval of Design Review No. 06-7509 for the development of a 49 unit, two story apartment complex, with underground parking and, in compliance with Banning Municipal Code Section 9114; and,

WHEREAS, at this public hearing on June 19th, the Planning Commission considered, heard public comments on and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution No. 2007-27; and,

WHEREAS, on June 8, 2007, the City gave public notice by advertising in the Press Enterprise, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the property of the holding of a public hearing at which the project would be considered; and,

WHEREAS, on June 19, 2007 the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting; and

NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:

SECTION 1. DESIGN REVIEW PROJECT FINDINGS:
In light of the record before it, including the staff report dated June 19, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

Design Review No. 06-7509 requires that the Design Review satisfies each of the findings under the Banning Municipal Code Section 9114. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

1. The proposed project is consistent with the General Plan.

The General Plan land use designation for the site is “High Density Residential” which allows multi-family dwellings with densities from 11 to 18 dwelling units per acre. This development proposes an apartment complex with up to 49 units at a density of 21 units per acre. The additional units are allowed by the General Plan (Density Bonus) if such units are specifically designated for very low and low income households.

The General Plan Housing Element Goal No. 1 allows for a 25% density bonus pursuant to State law, if the developer allocates at least 20% of the units in a housing project to lower income households, 10% for very low income households, or at least 50% for “qualifying residents” (e.g. senior citizens). In addition, the General Plan indicates that a developer must also agree to, and the City shall ensure, the continued affordability of all density bonus units for a minimum 30-year period. The proposed development serves to achieve this requirement by allocating all 98% of all the units (48 units) to very low and low income households. The applicant will also enter into an affordability agreement(s) with the City in accordance with the terms contained in Section 9102.03 (2)(C) et. seq. to maintain the affordability of these units.

2. The proposed project is consistent with the Zoning Ordinance, including, development standards and guidelines for the district in which it is located.

Zoning Code Designation is High Density Residential which allows for multi-family dwelling. As designed or conditioned herein, the project complies with the design standards stipulated in Section 9102.03(2)(J) of the zoning code in terms of providing the following: 40% open space; balconies or patios that are 25% the size of the dwelling units; including amenities such as tot lot, laundry facilities per floor clubhouse and a picnic area.

The project also conforms to the following zoning requirements:

- Minimum front yard setback (15’ provided versus 15’ required);
- Minimum rear yard setback (30’ provided versus 10’ required);
- Minimum side yard setback (30’ provided versus 5’ required);
- Maximum lot coverage (40% proposed versus 40% maximum allowed);
Parking space requirements (126 parking spaces required, 127 spaces proposed).

Lastly, the project is also governed by Section 9102.03 (C) which pertains to the Density Bonuses. The Zoning code allows bonuses to increase the density of the underlying zoning code up to 35% above and beyond the maximum permitted by Code as long as those additional units are provided to very low and low household incomes. More specifically, the applicant for housing development shall be granted a density bonus, as provided in this section, by the Planning Commission if the housing development meets the following qualifications:

a) The applicant has made a written request for grant of a density bonus with its application for housing development; and

b) The housing development contains at least the minimum qualifying number of affordable housing units required under this Section and the applicant agrees to the affordability covenants required under this Section as conditions of approval on the housing development.

The applicant has complied with the above-listed provisions in that an application has been filed for the density bonus; the applicant has agreed to the minimum qualifying number of units; the site can accommodate 41.4 units per acre with 50 additional units if 6 units are made available to very low and low income households. 48 units will be developed for this project and all of these units will be available to very low and low income households. In addition, the applicant has agreed to maintain those units affordable via property covenants for a 30 year period.

3. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

The project proponent proposes to develop an apartment complex consisting of 5 two-story buildings totaling 48,400 sq. ft and containing 49 units. The project will consist of and include an underground parking lot with 127 spaces. Access to the parking lot will be from Williams Street. The project will also include a landscaped perimeter road around the complex that will be used for emergency vehicle access and trash service.

These apartments have the potential to generate approximately 329 average daily trips, 27 of which will be during the morning peak hour, and 26 of which will be during the evening peak hour. The proposed project is consistent with the General Plan designation assigned to the site, and therefore was considered in the General Plan EIR traffic impact analysis. In that document, traffic in this area of the City at General Plan build out was not expected to significantly impact surrounding roadways.
Williams Street is designated as a Collector Highway by the General Plan EIR with 7,000 Daily Traffic Volume at build out between San Gorgonio Avenue and Hargrave Street. Therefore traffic levels on Williams Street from San Gorgonio Avenue to Hargrave Street at General Plan build out are expected to result in Level of Service C or better. In that document, traffic in this area of the City at General Plan build out was not expected to significantly impact surrounding roadways. Therefore the implementation of the project will not exceed acceptable levels of service on the adjacent streets.

4. The design of the proposed project is compatible with the character of the surrounding neighborhood.

The project proponent proposes to develop an apartment complex consisting of 5 two-story buildings totaling 48,400 sq. ft and containing 49 units. The design will be a California contemporary style with earth-tone stucco exterior, stone veneer, metal awnings, brown in color roof and metal railings. Three unit floor plans are proposed, ranging in size from 950 sq. ft to 1,240 sq. ft., and containing two and three bedrooms.

There is a similar styled building to the north and east (the Peppertree Apartments). The project will be compatible with the Peppertree Apartments as well as enhance the surrounding areas.

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Department as provided in the Staff Report dated June 19, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Design Review Permit is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on June 19, 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
SECTION 3. PLANNING COMMISSION ACTIONS

A. In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the findings made in Section No. 2 of this Resolution, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

B. Design Review No. 06-7059 for the review of the site development and architecture for multi-family dwellings is hereby approved subject to the conditions set forth in Attachment “1” attached hereto and incorporated herein by this reference. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-28, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

Planning Commission Resolution No. 07-28
- Design Review No. 06-7509
- 5 -
CONDITIONS OF APPROVAL

PROJECT #: Design Review 06-7509

SUBJECT: Shadow Brooke Apartments

APPLICANT: Global Premier Development, Inc.
The property is located on north side of Williams St., east of Alessandro Rd.

LOCATION:

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

B. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
C. A copy of the signed Resolution of Approval or Community Development Director’s letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

D. The applicant shall make the 49 apartment units available for very low and low income households.

E. Prior to the issuance of the first building permit, the developer shall enter into a written affordability agreement(s) with the City in accordance with the terms contained in Section 9102.03 (2)(C) et. seq.

B. Time Limits

A Design Review shall be exercised by the commencement of construction within 2 years from the date of approval or the Design Review shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority.

C. Site Development

A. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

B. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

C. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

D. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director Review and approval prior to the issuance of building permits.

E. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

F. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
G. A detailed on-site lighting plan, including a photometric diagram, that illustrates "0" lumens at the property line, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

H. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.

I. The developer shall submit a construction access plan and schedule for the development of the lot for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

J. The lighting fixture design shall compliment the architectural program.

K. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing walls/fences along the project's perimeter.

D. Residential Development

A. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits. Landscape adjacent to or on the public right-of-way shall be consistent with the City's landscape guidelines.

B. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

   a. Architecturally integrated into the design of the project.

   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.

   c. Large enough to accommodate two trash bins.

   d. Trash bins with counter-weighted lids.

   e. Architecturally treated overhead shade trellis.

   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.
C. Graffiti shall be removed within 72 hours.

D. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

E. All construction shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:

   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

   b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

F. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Community Development Director Review and approval prior to the issuance of building permits.

G. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

H. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

E. Building Design

A. Driveway approaches within multi-family developments of more than ten units shall be delineated with interlocking pavers, rough textured concrete, or stamped concrete and landscaped medians. As the project is designed, there is no enhancement at the driveway approaches. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director Review and approval prior to issuance of building permits.

B. Each dwelling unit shall be provided at least 150 cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit. As designed the project does comply with this requirement.

3. A security and management plans shall be submitted for review and approval. The applicant has not complied with this provision; that will require a security and management plan that will be reviewed by staff, including the Police Department.
4. Every dwelling unit shall have a patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, which is less.

5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

F. Parking and Vehicular Access (indicate details on building plans)

A. All parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

B. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb).

C. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/recreational uses.

D. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

E. Plans for any security gates shall be required and submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

F. Handicapped accessible stalls shall be provided for residential facilities. One in every 8 parking stalls (no less than 1) shall be served by access aisles 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible.

G. Motorcycle parking area shall be provided for commercial and office facilities with 25 or more parking stalls. Developments with over 100 parking stalls shall provide motorcycle parking at the rate of one percent. The area for motorcycle parking shall be a minimum of 56 square feet.

H. Carpool and vanpool designated off-street parking close to the building shall be provided for commercial, office, and industrial facilities at the rate of 10 percent of the total parking area. If covered, the vertical clearance shall be no less than 9 feet.

G. Trip Reduction

A. Category 5 telephone cable or fiber optic cable shall be provided for office buildings and single-family developments of 500 or more units.

B. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided.
H. Landscaping

1. A detailed landscape and irrigation plan, including slope planting, landscaping, shall be prepared by a licensed landscape architect and submitted for Community Development Director Review and approval prior to the issuance of building permits. The proposed condition of approval requires that the applicant works with staff to further develop the landscape plan to be consistent with City requirements listed in 9102.05 and 9108.03 of the Zoning Ordinance.

B. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist's recommendations regarding preservation, transplanting, and trimming methods.

C. A minimum of 30% within commercial projects, shall be specimen size trees - 24-inch box or larger.

D. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

E. Trees shall be planted in areas of view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

F. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

G. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

H. The property owners will be responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.

I. Front yard and corner side yard landscaping and irrigation shall be required per the Development Code. This requirement shall be in addition to the required street trees and slope planting.
J. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

K. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer. Said landscape shall comply with the City’s landscape design guidelines.

L. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

M. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

N. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

I. Signs

A. The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

B. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.

J. Environmental

A. A final acoustical report shall be submitted for Community Development Director review and approval prior to the issuance of building permits. The final report shall discuss the level of interior noise attenuation to below 45 CNEL, the building materials and construction techniques provided, and if appropriate, verify the adequacy of the mitigation measures. The building plans will be checked for conformance with the mitigation measures contained in the final report.

B. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy, the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

K. Other Agencies

A. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail box, the final location of the mail box and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.
APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

L. General Requirements

A. Submit four complete sets of plans including the following:
   
   a. Site/Plot Plan;
   
   b. Foundation Plan;
   
   c. Floor Plan;
   
   d. Ceiling and Roof Framing Plan;
   
   e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   
   f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

B. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

C. Separate permits are required for fencing and/or walls.

D. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

E. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

M. Site Development

A. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number Design Review #06-7509. The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.
B. Prior to issuance of building permits for a new residential development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

C. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

D. Construct trash enclosure(s) per City Standard (available at the Planning Division's public counter).

E. Submit pool plans to the County of Riverside's Environmental Health Services Department for approval.

F. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 ½" x 11") which indicates the non-build able easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Build able Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

N. New Structures

A. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistance.

B. Provide compliance with the Uniform Building Code for required occupancy separation(s).

C. Roofing material shall be installed per the manufacturer's "high wind" instructions.

D. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

E. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

F. Provide draft stops in attics in line with common walls.

G. Roofing materials shall be Class "A."

H. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A.

I. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.

J. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.
K. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.

L. Provide smoke and heat venting in accordance with UBC Section 906.

M. Provide method of airborne and impact sound transmission control between dwelling units.

N. Upon tenant improvement plan check submittal, additional requirements may be needed.

O. Grading

A. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

B. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

C. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

D. The final grading plans shall be completed and approved prior to issuance of building permits.

E. As a residential lot, the following requirements shall be met:

   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.

   b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

   c. On-site drainage improvements, necessary for dewatering and protecting the properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

   d. Final grading plans for each parcel are to be submitted to the Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).

   e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.
F. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

P. General Requirements

1. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

2. Lot Merger or a certificate of compliance must be submitted prior to any permit on the project.

3. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
   - Fire Marshal
   - Public Works Department (Grading Permit, Improvement Permit)
   - Community Development Department
   - Riverside County Environmental Health Department
   - Banning Unified School District
   - California Regional Water Quality Control Board Colorado River Basin (RWQCB)
   - South Coast Air Quality Management District (SCAQMD)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

4. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
5. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

   A. On-Site Grading Plans  
      (all conditions of approval shall be reproduced on last sheet of set)  
      1” = 40’ Horizontal

   B. SWPPP  
      1” = 40’ Horizontal
      (Note: A, B, & C shall be processed concurrently.)

   C. Street Improvement Plans  
      1” = 40’ Horizontal  
      1” = 4’ Vertical

   D. Traffic Signal Plan  
      1”=20’ Horizontal

   E. Off-Site Landscaping Plans  
      1”=20’ Horizontal

   F. Off-Site Signing & Striping Plan  
      1” = 40’ Horizontal

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

6. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the “As-Built” conditions.
7. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.

Q. Rights of Way

1. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

2. The existing right-of-way appears to meet the required General Plan width of 33 feet for a half street. After completion of the alignment study by the developers' engineer, if additional right-of-way is required along Williams Street, the applicant shall offer to dedicate for public purposes the required right-of-way.

3. Direct vehicular access to Williams Street from any portion of the site frontage shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded on a separate instrument prior to occupancy.

4. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to approval of any grading plan.

5. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

R. Public Improvements

1. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

2. Unless otherwise noted all required public improvements for the development shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.
S. Grading and Drainage

1. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

2. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

3. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent developed property to the west.
4. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.
   A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.
   B. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.
   C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
   D. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
      i. Temporary Soil Stabilization (erosion control).
      ii. Temporary Sediment Control.
      iii. Wind Erosion Control.
      iv. Tracking Control.
      v. Non-Storm Water Management.
      vi. Waste Management and Materials Pollution Control.
   E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
   F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

5. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

6. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any clearing or grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
7. Prior to the issuance of a building permit for any building, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

T. Traffic

1. This includes identifying the desired level of traffic control at project driveways and/or intersections. The developer shall implement the recommendations of the traffic study.

2. Provide and maintain stop sign and pavement legend for main drive access.

3. Site distance at the access drives shall be reviewed and implemented in accordance with California Department of Transportation standards.

4. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

5. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

U. Trash/Recycling

1. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

2. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

V. Fees

1. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the Fee Schedule in effect at the time of submittal.

2. Public Works Inspection fees shall be paid prior to grading permit issuance in accordance with the Fee Schedule in effect at time of time of scheduling.
3. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

4. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

5. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot.

W. Water

A. Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a looped fire protection system within a 20’ easement on the proposed driveways around the project into the existing 8” water main on Williams Street.

B. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

C. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

D. A backflow device must be irrigation connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

X. Sewer

1. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a sewer line on Williams Street from the west property line of the project to the existing manhole 100 feet east of the project. Also, install a min. 6” VCP sewer lateral connecting to the proposed 8’ sewer line on Williams St.

2. All sewer lines shall be extra strength Vitrified Clay Pipe and sewer mains shall be a minimum of 8” diameter.

3. A sewer check valve shall be provided for the project with a finished pad elevation lower than the rim elevation of the immediate up-stream manhole.

4. A Reimbursement Agreement can be requested for the construction of the sewer line on Williams Street for those who benefit from the new sewer line construction.
Y. Fees

Water and Sewer Connection Fees shall be paid per EDU (one EDU per Apartment Unit) and payment of Water Meter Installation Charges at the time of building permits and in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

CITY ELECTRIC DEPARTMENT

Shall be responsible for:
1. Plans shall include in AutoCad 2006 version or less.
2. Plans shall include proposed building(s) foot print, existing utilities address, vicinity map, center lines, contact person, property/right of way lines, set back lines address and assessor's parcel number.
3. Preferred 1"=20' scale if possible.
4. For private property Plans shall show an easement covering the facilities located on the property.
5. Plans shall include any notes pertaining to design/planning of electrical system.
6. Customer / Developer shall contact City of Banning Electrical Services Planner for any design / planning information.
7. E-Mail approved Plan(s), to the AutoCad/GIS Technician, City of Banning Electrical Department. jaguilar@ci.banning.ca.us

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. The entire complex will be required to have an automatic fire sprinkler system. The system will be required to be monitored.

2. The parking garage is required to be constructed with a 3-hour fire resistive rating.

3. A smoke evacuation system may be required in the garage.

4. Emergency exit way lighting and exit signs will be required in the garage.

5. Fire protection "standpipes", with 1 1/2 inch fire hose connected, will be required at a minimum of one location inside the garage.

6. The staircases from the "podium deck" may not be adequate or properly located to meet building code standards. A more thorough review will be needed.

7. The turns on the access road must have a 42-foot inside turning radius.
8. Both sides of the access road must have red painted curbs and marked "NO PARKING FIRE LANE" in white letters at least 3 inches high at 50-foot intervals.

9. Fire hydrants will be required at 300-foot intervals around the access road.

10. Additional fire hydrants may be required in front of the property along Williams St.

11. A lighted "Directory Map" showing all unit numbers and locations will be required at the main entrance. Additional fire hydrants may be required in front of the property along Williams St. to the project.
DESIGN REVIEW
# 06-7509
SHADOW BROOKE APTS
RESOLUTION
NO. 2007-30
EXHIBIT "3"
RESOLUTION NO. 2007-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING AN INCREASE IN DENSITY (‘DENSITY BONUS’) FOR THE DEVELOPMENT OF A 49-UNIT, TWO STORY APARTMENT COMPLEX LOCATED AT 315 E. WILLIAMS ST., EAST OF ALESSANDRO ROAD. APN 541-103-024 & 025.

WHEREAS, an application to increase the density was duly filed by:

Applicant/Owner: Global Premier Development
Authorized Agent: Charles Hutchison
Project Location: 315 E. Williams St.
APN Information: 541-103-024, 025
Lot Area: 2.03 Acres

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny a density bonus, as provided in Banning Municipal Code Section 9102.03 (2)(C)(1); to develop a 49-unit, two story apartment complex; and,

WHEREAS, at this public hearing on June 19th, the Planning Commission considered, heard public comments on and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution No. 2007-27; and,

WHEREAS, at this public hearing on June 19th, the Planning Commission considered, heard public comments on and approved Design Review No. 06-7509 the project by Resolution No. 2007-28; and,

WHEREAS, on June 8, 2007, the City gave public notice by advertising in the Press Enterprise, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the property of the holding of a public hearing at which the project would be considered; and,

WHEREAS, on June 19, 2007 the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting; and

NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:
SECTION 1. DENSITY BONUS PROJECT FINDINGS

The Planning Commission hereby finds and determines that the each of the findings under Banning Municipal Code Section 9102.03(2)(C)(1) have been satisfied to allow the density bonus:

1. The granting of the density bonus and award of incentives and concession will not have a specific, adverse impact upon the public health or safety.

The granting of the density bonus will not have an adverse impact upon the public health or safety because as the project satisfies all the relevant Codes in terms of setbacks, height, parking, etc. Also, the project provides recreational amenities such as a tot lot, picnic area, clubhouse; these amenities are consistent with the provisions of the Code.

Further, the applicant has not applied for or received legislative concessions. Any financial incentives provided to the applicant will be consistent with the provisions of the code.

2. The granting of the density bonus and award of incentives and concession will not have a specific adverse impact on any real property listed in the California Register of Historical Resources.

The subject property or any contiguous properties are not listed in the California Register of Historical Resources.

3. The housing development satisfies the affordability covenant requirements as provided in this Section.

The Code requires that the project provide approximately six (6) low and very low housing units. The housing development will provide 48 very low and low housing units. Also, in accordance with the Code, the applicant has agreed and the project has been conditioned to preserve the affordable units for a period of not less than 30 years.

4. The affordable units are of comparable quality and offered in a range of sizes comparable to those offered other purchasers or renters (taking into consideration the need to make development of the affordable units feasible) and are dispersed throughout the housing development.

The project proponent proposes to develop an apartment complex consisting of 5 two-story buildings totaling 48,400 sq. ft and containing 49 units. The design will be a classic California contemporary style that will utilize earth-tone stucco exterior, stone veneer, metal awnings, brown colored roof and metal railings. Three unit types are proposed, ranging in size from 950 sq. ft. to 1,240 sq. ft.; these units will contain two and three bedrooms. The project will consist of and
include an underground parking lot with 127 spaces. Access to the parking lot will be from Williams Street. The project will also include a landscaped perimeter road around the complex that will be used for emergency vehicle access and trash service. In addition, the project will contain a two-story recreation building that will house an office, recreation center and a managers unit. A podium deck (terraced landscaped open space) will be centrally located on the property.

There is a similar styled building to the north and east (the Peppertree Apartments). The project will be compatible in style and amenities with the Peppertree Apartments as well as enhance the surrounding areas.

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Department as provided in the Staff Report dated June 19, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Design Review Permit is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on June 19, 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS

A. Bonus Density. The Planning Commission hereby approves the density bonus for the Development of the 49-unit two story apartment complex.

PASSED, APPROVED AND ADOPTED this 19th day of June 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

Planning Commission Resolution No. 07-28
- Bonus Density
APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorensen, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-30, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 19th day of June, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorensen, Recording Secretary
City of Banning, California